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OF THE

ASSEMBLY

OF THE

STATE OF NEW YORK,

AT THEIR

ONE HUNDRED AND EIGHTEENTH SESSION.

1895.

VOLUME XXIII — No. 107 — PART I.

ALBANY:
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THE COLONIAL LAWS

OF

NEW YORK

FROM THE

YEAR 1664 TO THE REVOLUTION,

INCLUDING THE

CHARTERS TO THE DUKE OF YORK, THE COMMISSIONS AND INSTRUCTIONS TO COLONIAL GOVERNORS, THE DUKE'S LAWS, THE LAWS OF THE DONGAN AND LEISLER ASSEMBLIES, THE CHARTERS OF ALBANY AND NEW YORK AND THE ACTS OF THE COLONIAL LEGISLATURES FROM 1691 TO 1775 INCLUSIVE.

VOLUME I.

TRANSMITTED TO THE LEGISLATURE BY THE COMMISSIONERS OF STATUTORY REVISION, PURSUANT TO CHAPTER 125 OF THE LAWS OF 1891.

ALBANY:
JAMES B. LYON, STATE PRINTER.
1896.

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STATE OF NEW YORK.

No. 107.

IN ASSEMBLY.

REPORT

OF THE

COMMISSIONERS OF STATUTORY REVISION.

STATE OF NEW YORK:

To the Legislature:

In accordance with chapter 125 of the Laws of 1891, we have the honor to present herewith the Report of the Commissioners of Statutory Revision, relating to the publication of the Colonial Laws.

Respectfully yours,

CHARLES Z. LINCOLN,
WILLIAM H. JOHNSON,
A. JUDD NORTHRUP,
Commissioners of Statutory Revision.

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EXPLANATORY NOTE.

The Statutory Revision Commission was directed by chapter 125 of the Laws of 1891 to republish verbatim, preserving the original spelling and punctuation, the statutes of the Colony of New York, from the foundation thereof to the adoption of the first Constitution.

There has never been a complete publication of the colonial laws of New York. In the year 1694, William Bradford, who was then public printer of the colony, published the laws enacted by the colonial legislature since its first session in 1691. There are but seven copies of this edition known to be in existence, one in the library of the Historical Society of Pennsylvania, one in the library of the New York Society, one in the Lenox library, one in the State library at Albany, one in the office of the Secretary of State at Albany, one in the possession of Mr. Bernheim of New York, and one owned by Mr. John Boyd Thacher of Albany. The copy owned by Mr. Bernheim has been reprinted in fac simile by the Grolier Club of New York, under the supervision and editorship of Mr. Robert Ludlow Fowler. This reprint is referred to in the notes preceding the chapters as "Fowler's Bradford." The copy in the State library was purchased by the State at the sale of the library of Mr. Brinley of Hartford, Conn., its former owner, and is referred to in the notes as "Brinley's Bradford." It contains most of the session laws down to the year 1710, bound in with the original publication of 1694. Other editions of the session laws were published from time to time by William Bradford, and references in the notes are to editions contained in the State library, Albany.

Another publication of the colonial laws, known as Baskett's edition, was made in London in 1718.

In the year 1752, Livingston and Smith, under the direction of the colonial legislature, published the colonial laws then in force, enacted by the colony from 1691 to 1751, inclusive. In the year 1762, the same editors published the colonial laws enacted since 1751 down to and including the 22d day of May, 1762. In the year 1772, Peter Van Schaack was directed by the legislature to

publish all the colonial laws then in force, and in the following year such publication was made by him, including the laws enacted from 1691 down to and including March 8, 1773.

The subsequent laws of 1774 and 1775 were published by Hugh Gaines, the public printer, a copy of which publication is in the State library at Albany.

All of the foregoing editions contain the full text of the laws in force at the date of publication, acts that had then expired being referred to by title only. As it was the custom to enact laws for a limited period, many important acts expired before any publication of the laws was made; and as a result any publication or all publications of the colonial laws heretofore made contain but a comparatively small proportion of colonial legislation.

The Revision Commission has taken the edition of Van Schaack as a basis of this publication, so far as the arrangement and chapter numbering are concerned. Every act, however, of which the original or a copy is known to be in existence has been printed in full.

The Commission has also deemed it to be within the scope of its authority to publish the laws of the government of the colony from the first English occupation in 1664 to the General Assembly of 1691. These include the charters to the Duke of York, the commissions and instructions to the colonial governors, the Duke's laws for the government of the colony, the laws passed by the Assemblies of 1683, 1684 and 1685, sometimes known as the "Dongan laws," and the laws of the Leisler Assembly of 1689 and 1690. The Dongan charters of the cities of New York and Albany, and the Montgomery charter for the city of New York are also printed as laws of the dates when granted or confirmed.

It will be observed that the note preceding each chapter indicates former publications of the chapter, so that comparison can be made if desired.

The first sixty-three chapters of the laws, beginning with the year 1691, except when otherwise stated in the note preceding a chapter, have been copied from the parchment-rolls in the State library. The Commissioners have been unable to obtain any trace of the originals of these laws. They were probably transmitted to England for royal approval, and these parchment copies preserved for the use of the colony. At any rate the parchment-rolls now in the State library, but formerly in the office of the Secretary of State, appear to be the official and best evidence of the text of the originals.

The laws subsequent to chapter 63, except where otherwise stated in the note at the beginning of the chapter, have been copied from the original manuscripts in the office of the Secretary of State.

It will be observed from the notes that in a few instances the original has been lost. In such case a copy has been made from whatever source the Commissioners deemed most authentic. The note at the beginning of each chapter also indicates whether the chapter is a continuation or a revival of a former act, and generally anything of interest in reference to the chapter that may have come to the observation of the Commissioners. Under the subject title in the index, every revival, continuation, explanation, amendment or repeal of an act has been indicated, and it is believed that the history of a particular subject of legislation may be readily and thoroughly traced by the use of the notes and index. The index also contains the name of each person referred to in the legislation of the colony. It is believed that this will add greatly to the historical and genealogical value of the publication.

The acts of the colonial legislature, except as affected by amendment or subsequent repeal, continued in force until 1828, when it was enacted by chapter 21 of the laws of that year, that " no statutes passed by the government of the late Colony of New York, shall be considered as a law of this state." As affecting titles to real estate or as constituting irrepealable contracts, some of the laws may, however, still be in force; but for the most part this publication is of a greater value from a historical than from a legal standpoint.

The following note contains a sketch of the history and development of representative government in the colony.

HISTORICAL NOTE.

[By Robert C. Cumming.]

Verrazano, a French explorer, cruised up the American coast in 1524, and from a report describing his voyage to the French King, it is inferred that he entered New York bay. No attempt was made, however, by the French government, to occupy the territory nor to claim sovereignty over it, and whatever rights may have been initiated by discovery, lapsed by nonuser.

Hendrick Hudson, an Englishman in the employ of the Dutch East India Company, sailed from Amsterdam in the Half Moon on April 4, 1609. On the third of September, he entered New York bay, and from thence sailed up the Hudson to a point near Albany. After the discovery by Hudson, no immediate attempt was made by the States General to appropriate the territory. For several years trading vessels were fitted up by individuals, and as early as 1613 a trading post was established on Manhattan Island. In 1614 the States General granted to an Amsterdam Company the exclusive privilege from the first of January, 1615, to frequent the newly-discovered lands "situated in America between New France and Virginia whereof the sea-coasts lie between the fortieth and forty-fifth degrees of latitude." The charter expired in 1618. On the third of June, 1621, the States General granted a charter to the West India Company, providing, "That for the term of four and twenty years, none of the natives or inhabitants of these countries shall be permitted to sail to or from the said lands or to traffic * * * in the countries of America, or the West Indies * * * but in the name of this United Company of these United Netherlands."

The charter further provided that "the aforesaid company may in our name and authority, within the limits hereinbefore prescribed, make contracts, engagements, and alliances, with the princes and natives of the countries comprehended therein, and also build any forts and fortifications there, to appoint and discharge governors, people for war, and officers of justice, and other public officers, for the preservation of the places, keeping good order, police, and justice, and in like manner for the promotion

of trade; and again, others in their place to put, as they, from the situation of their affairs, shall see fit: moreover, they must advance the peopling of those fruitful and unsettled parts, and do all that the service of those countries, and the profit and increase of trade shall require: and the company shall successively communicate and transmit to Us such contracts and alliances as they shall have made with the aforesaid princes and nations; and likewise the situations of the fortresses, fortifications, and settlement by them taken."

"Saving, that they have chosen a governor-in-chief, and prepared instructions for him, they shall be approved, as a commission given by Us: And that further, such governor-in-chief, as well as other deputy governors, commanders, and officers, shall be held to take an oath of allegiance to Us and also to the Company."

It thus conferred upon the West India Company powers of local sovereignty over the territory of New Netherlands, subordinate only to the authority of the States General. For many years thereafter or until the occupation of New York in 1664 by the English, New Netherlands was governed by the directors and agents of the West India Company, in pursuance of its charter. The laws and ordinances for the government of the province conformed generally to the jurisprudence of Holland. Many of these have been lost, but a large number have been translated by Dr. O'Callaghan, and printed in a volume entitled "Laws and Ordinances of New Netherlands."

No attempt will be here made to describe the government of the province under the Dutch. [For a thorough discussion of the subject, see note by Robert Ludlow Fowler, introductory to a "Fac simile of the Laws and Acts of the General Assembly &c of New York, as printed and sold by Wm. Bradford, 1694," published by the Grolier Club of New York.]

Although at the time of the grant to the West India Company, no actual occupation of the territory embraced within its terms had been made by any other nation, the Dutch never held undisputed sovereignty over New Netherlands. Occupying the territory lying to the north and south, the English could not but view with jealousy and distrust, the possession of the intervening lands by a foreign power. In fact, it was always assumed by the English, that the title to New Netherlands was vested in the Crown of England and that the Dutch occupation was a mere usurpation. The subject is of considerable interest in determining whether the Dutch laws continued of force within the province after the occupation by the English in 1664. If the sovereignty of the territory had been theretofore vested in the Dutch, their laws would obtain within the territory until abrogated by the conqueror, in accordance with the familiar principle of

international law. On the other hand if the Dutch were mere trespassers on a territory the sovereignty of which was in the Crown of England, their whole system of government and law became null and void when the English possessed the territory. [For a discussion of the subject, see introductory note by Robert Ludlow Fowler, in a "Fac simile of the laws and Acts of the Assembly &c," published by the Grolier Club of New York.]

Upon the assumption that the sovereignty to the New Netherlands was vested in the crown of England, Charles II, on the 12th of March, 1664, granted to his brother, the Duke of York, the territory embracing Long Island and New York. [For charter in full, see p. 1.] By the terms of the charter the Duke of York, his heirs, deputies, agents, commissioners and assigns, were empowered "to correct, punish, pardon, govern and rule all such the subjects of us, our heirs and successors, as shall from time to time adventure themselves into any the part or places aforesaid * * * according to such laws, orders, ordinances, directions and instructions as by our said dearest brother or his assigns shall be established * * * so always as the said statutes, ordinances and proceedings be not contrary to but as near as conveniently may be agreeable to the laws, statutes and government of this our realm of England." The charter further empowered the Duke of York to appoint governors and other officers, and generally to establish a local government within the territory embraced in the terms of the charter.

During the year 1664 Richard Nicolls was appointed governor of New York by a commission from the Duke of York, the original of which seems to have been lost, but which undoubtedly conferred upon him in substantially the same terms, the powers of local government within the province, which by the terms of the charter were conferred on the Duke of York, his deputies and assigns.

Governor Nicolls sailed from England and arrived at New York in August, 1664. On the 27th of August, articles of capitulation were agreed upon, by which the Dutch were guaranteed certain permanent rights; liberty of conscience in divine worship and church discipline; the enjoyment of their own customs concerning inheritances; the confirmation of judgments rendered and the right to appeal therefrom to the States General; the continuance of the present officers until the election of new ones; the determination according to the manner of the Dutch of differences of contracts and bargains made before the capitulation; the enjoyment of property and the disposal of the same at pleasure. [For full text of treaty, see Revised Laws, 1813, appendix I.]

Almost the first step taken by Nicolls after his arrival was to create from the English portion of the province, consisting of Long Island, Staten

Island, and Westchester county, the shire of Yorkshire, dividing it into three districts or "ridings." The government of the shire consisted of a high sheriff, appointed by the governor and council, a deputy sheriff for each riding, and justices of the peace, to hold office during the governor's pleasure. Courts of sessions were to be held three times each year by the justices in each riding, presided over by the governor or any of his council, or in their absence, by the senior justice. [See Duke's Laws, p. 27.] Annually the justices and the high sheriff were to meet with the governor and his council in the court of Assizes at New York, which afterwards became the general court of the province.

Two days after the surrender of New York, Governor Nicolls in a letter to Captain Young promised that "Deputys shall in convenient time and place, be summoned to propose and give their advice in all matters tending to ye peace and benefitt of Long Island." And shortly afterwards, a circular was addressed to the inhabitants of Long Island requesting them to send two delegates from each town to a convention to be held at Hempstead on the last day of February, 1665. In accordance with this call, delegates from each town met at Hempstead on March 1, 1665. The most important action of the meeting was to prepare, or more properly to confirm, a body of laws, which afterwards came to be known as the "Duke's Laws." [See Duke's Laws, p. 6.] A number of additions and amendments were made by the court of Assizes, and afterwards the Code was transmitted to England for confirmation. [See preliminary note to Duke's Laws, p. 6.]

The "Duke's Laws" originally obtained in the shire of Yorkshire only, and did not go into effect in New York until after the second occupation by the Dutch in 1674, nor on the Delaware River, until 1676. From that time they continued in effect throughout the province, except as modified by later enactments of the assizes, the governor and council, or the governor, council and assembly, probably, until 1691; — certainly as late as 1687, for in that year Governor Dongan, answering certain charges against him, in response to the question of what laws are in force in the colony, replied: "The Laws in force are ye Laws called his Royal Highnesses Laws and the Acts of the General Assembly." [See Col. of N. Y. Colonial Documents, III, p. 390.]

Until the "Duke's Laws" became of general effect throughout the province, the Dutch laws probably continued of force in accordance with the principle that the laws of a conquered country continue in force until expressly abrogated by the conqueror. [For discussion of this subject, see introductory note by Robert Ludlow Fowler, in "Fac simile of the Laws and Acts of the General Assembly &c," published by the Grolier Club of New York.]

Governor Nicolls took independent action as to the city of New York, however, and, by proclamation dated June 12, 1665, revoked the Dutch and established the English form of government by the appointment of officers to "be knowne and called by the Name & Style of Mayor, Aldermen and Sheriffe, according to the Custome of England in other his Maties corporacons."

The meeting at Hempstead can hardly be called a legislative assembly. After the promulgation of the Duke's Laws, the Court of Assizes, in a limited sense, acted as a legislative body. However, it was little more than the mouthpiece of the Duke or the Governor in the promulgation of edicts, which it had no share in framing. The people were dissatisfied and petitioned for the assembly which had been promised by Nicolls. The petition was insolently rejected by the Assizes: "It doth not appeare that Col. Nicolls made any such promise & ye Governors instructions directing him to make no alterations in ye lawes of ye Governmt settled before his arrivall, they cannot expect his Honor can comply wth them therein, & for their desire to know what is required of them, There is nothing required of them but obedience and submission to ye Lawes of ye governmt as appeares by his R. Hss. Commission wch hath often beene read unto them."

In 1667 Nicolls was recalled, and Col. Francis Lovelace was appointed to succeed him. His commission directed him to make no alteration in the laws of the government settled before his arrival.

New York was re-taken by the Dutch on July 30, 1673, and the commanders of the fleet re-established the Dutch form of government by the appointment of Schout, burgomasters and schepens, on August 17, 1673. [See p. 101.] On January 17, 1674, Colve, acting as governor general of the province issued instructions to the schout, burgomasters and schepens of the city of New Orange, for their guidance in the government of the city. This document is sometimes known as Colve's charter. [See p. 102 for document in full.] The Dutch were in possession of New York for too brief a period to re-establish a permanent or stable form of government, and their rule amounted to little more than a military occupation of the city. By the treaty of Westminster, signed February 19, 1674, the Dutch relinquished New York, although they were in actual possession of the city for some months thereafter. Whatever doubt may have existed theretofore as to the title of the English was conclusively set at rest by the terms of the treaty.

A new charter was granted to the Duke of York on the 29th of June, 1674, in substantially the same terms as the former charter, embracing the same territory. [For copy of charter, see p. 104.]

By commission, dated July 1, 1674, Edmund Andros was appointed governor of the province, and was empowered by his commission "to performe and execute all and every ye powers wch. are by ye said letters patents graunted unto Mee to be excuted by Me my Deputy Agent or Assignes." [For copy of commission, see p. 106.]

The Duke of York, on July 1, 1674, among other matters instructed the new governor as follows:

"As to ye formes of justice, I thinke it best for you to put in execution such laws, rules and ordrs as you find have been established by Coll. Nicolls and Col. Lovelace, and not to vary from them but upon emergent necessities, and ye advice of your Councill and the gravest & experienced persons there; and if any such alteration be made, that it be only temporary for a yeare, and if it be not confirmed by me within that time, then to be utterly voyd at ye end of that yeare and of noe force at all, as if such alteracon or new law never had been prmitted." [Doc. Rel. to Col. Hist. of New York, III, p. 218.]

On August 6, 1674, the Duke of York instructed the new governor to put in execution the "Duke's Laws," except those requiring amendment or alteration. [For copy of order, see p. 107]; and on November 9, 1674, shortly after his arrival at New York, Governor Andros by proclamation conforming to the instructions declared "that the same Book of Laws formerly establisht and in force under his royal highnesse government is now again confirmed by his Royal Highnesse the which are to be observed and practiced together with the manner and time of holding Courts therein menconed as heretofore." [For copy of proclamation, see p. 107.] Thus the province continued to be governed by the Duke's Laws, with such amendments as the governor and council, with the approbation of the Duke of York, saw fit to adopt. During the years prior to the second occupation by the Dutch, the people of the colony were restless and discontented, demanding by petition and otherwise, some form of representative assembly. As free born Englishmen the principle of no taxation without representation, had been inculcated in their minds, and already the mode of government of the colony by the edict and decree of royal officers, was sowing the seeds of the Revolution. That the demand of the people for a representative assembly had reached the ears of the Duke of York, is evident from a letter written to Governor Andros on April 6, 1675, in which the Duke said:

"First yn, touching Generall Assemblyes wch ye people there seems desirous of in imitacon of their neighbour Colonies, I thinke you have done well to discourage any mocon of yt kind, both as being not at all comprehended in yr Instructions nor indeed consistent wth ye forme of government already established, not necessary for ye ease or redresse of

any greivance yt may happen, since yt may be a easily obtained, by any peticon or othr addresse to you at the Generall Assizes (wch is once a yeare) where the same persons (as justices) are usually present, who in all probability would be theire Representatives if another constitucon were allowed." [See Doc. Rel. to Col. Hist. of N. Y., III, p. 230.] And later, on the 28th of January, 1676, the Duke wrote to Governor Andros as follows:

"I have formerly writt to you touching Assemblyes in those countreys and have since observed what severall of your lattest letters hint about that matter. But unless you had offered what qualificacons are usuall and proper to such Assemblyes I cannot but suspect they would be of dangerous consequence, nothing being more knowne than the aptness of such bodyes to assume to themselves many priviledges wch prove destructive to, or very oft disturbe the peace of ye governmt wherein they are allowed. Neither doe I see any use of them wch is not as well provided for, whilst you and your councell governe according to ye laws established (thereby preserving every man's property inviolate) and whilst all things that need redresse may be sure of finding it, either at ye Quarter Sessions or by other legall and ordinary wayes, or lastly by appeale to myselfe. But howsoever if you continue of ye same opinion, I shall be ready to consider of any proposalls you shall send to yt purpose." [See Doc. Rel. to Col. Hist. of New York, III, p. 235.]

Whether Andros continued of the "same opinion" does not appear, but at any rate, no form of representative assembly was established under his administration.

Col. Thomas Dongan was commissioned governor of New York, September 30, 1682. With his commission he received instructions directing him "to issue of Writts or warrts. of Sumons to ye sev'all Sheriffes or other proper officrs in every part of yor said government wherein you shall expresse that I have thought fitt that there shall be a genll Assembly of all the Freeholders, by the prsons who they shall choose to reprsent ym in ordr to consultting wth yourselfe and the said councill what laws are fitt and necessary to be made and established for the good weale and governmt of the said Colony and its Dependencyes." [See copy of Instructions, p. 108.]

Governor Dongan arrived in New York in August, 1683, and at a meeting of the Council held at Fort James on the 13th of September following, it was determined to summon an assembly in accordance with the instructions to the Governor, to be held at the city of New York on October 17, 1683. Writs or orders were issued directing the inhabitants to choose their representatives "in the Generall Assembly to be held at New York October ye 17th, 1683." Each riding on Long Island was entitled to two

representatives; Staten Island, one; Esopus, two; Albany and Renslaerswyck, two; Schenectady, one; Pemaquid, one; The Islands about New York, one; and New York, four.

On the 17th of October, 1683, the representatives thus elected met in General Assembly, and constituted the first representative legislative body in the colony of New York. By the terms of his instructions Governor Dongan was directed to let the Assembly know that it was to be entitled to free debate. All bills were to receive the assent of the governor and council, and were to be transmitted to the Duke of York for confirmation or rejection. Laws assented to by the governor were to be good and binding until rejected by the Duke of York, from which time they were to be null and void. The governor was given power to cause the General Assembly to be summoned and to adjourn and dissolve the same, as he saw fit. [See copy of Instructions relating to Assembly, pp. 108-9.]

At this session fifteen Acts were passed which received the signature of the Governor. Of the acts passed at this session of the Assembly fourteen, or all except "A continued bill for defraying the requisite charges of the government," were received by the Board of Trade for confirmation, February 17, 1684. It does not appear that any were disapproved except the charter of liberties. [See p. 111.] After a session of nearly three weeks, the legislature adjourned, enacting

"That according to the usage, custome and practice of the Realme of England, a Sessions of a General Assembly be held in this province once in three years att least."

The second meeting of the legislature commenced in October, 1684, at which thirty-one acts were passed, which received the assent of the Governor. [See p. 142.]

Before another meeting news of the King's death was received, and it was deemed expedient to dissolve the present assembly, which was done by proclamation, dated August 13, 1685, [N. Y. Col. Mss. XXXIII, p. 152], and writs were issued by the governor directing the elections of representatives to a General Assembly to be held in October, 1685. This Assembly passed six acts which received the assent of the governor [see p. 173], and then adjourned to September, 1686. It was further prorogued until March, 1687, and finally, in view of a new commission and instruction received by the governor, reposing the power of legislation in the governor and council, the Assembly was dissolved on January 20, 1687.

The first act of the Assembly of 1683 was to pass "the charter of Libertyes and priviledges granted by his Royall Highnesse to the inhabitants of New Yorke, and its dependansyes," whereby the representatives attempted to confirm by legislation, the liberties and privileges,

which they conceived were granted to them by the Duke of York in his commission to Governor Dongan. [For copy of charter, see p. 111.] This assumption of the representatives, although receiving the assent of the governor, did not meet with favor from the Duke of York, and was vetoed March 3, 1684.

It was with great reluctance, that the Duke of York ever granted to the colony of New York a legislative Assembly, and it is probable that the action of the assembly in passing the Charter of Liberties and privileges only tended to increase his prejudice against representative bodies. At any rate, in June, 1686, the former Duke of York, now James II, King of England, issued a new commission, with instructions to Governor Dongan, whereby he empowered him, with the advice and consent of the Council, or major part of them, "to make constitute, and ordain Laws, Statutes, and Ordinances for the publick peace, welfare & good Government of our said Province and of the people and inhabitants thereof." [For commission and Instructions, see pp. 177-8.] In the instructions accompanying the commission, the governor was directed "to Declare Our Will & pleasure that ye said Bill or charter of Franchises bee forthwith repealed & disallowed." (This was the charter of Liberties and privileges, which had already been vetoed.) The instructions further provided that all other Laws, Statutes & Ordinances already made, continue in force until new laws were enacted; that copies of new laws be transmitted to the King within three months for approval or disapproval; that laws disapproved were to be void from thenceforth; and that in enacting laws the style of enacting the same be by the Governor and Council. [See Instructions, p. 178.]

The governor and council met December 9, 1686. His Excellys Instructions being read and considered it is "Ordered, that all the branches of the revenue & all other laws that have been passed since the yeare 1683 except such as his Matie has repealed remaine & continue as they now are till further consideracon."

At a council held February 24, 1687, were passed "An act for ye defraying ye necessary charge of the Government," and "An act about privateers." At a council held March 17, 1687, was passed a "Bill to prevent frauds." At a council held June 14, 1687, were passed "Bill for raising of ½ pence pr pound of every mans estate for the defraying ye expences for the good of the province in England," "Act about settlement;" "Act about mortgages;" "Bill for pleadings &c. to be in English;" and "Bill concerneing Excise of Rumm." At a council held August 20, 1687, was passed "The Bill for Raiseing a penny in ye pound out of ye Estates of ye ffreeholdrs & Inhabitants of ye Kings, Queens, Dukes & Dutcheses Countys the Countys of Richmond, Orange, West-

chester & Suffolk." At a council held September 2, 1687, was passed "Bill to Raise one halfe penny per pound off all persons Estates in the Cittys and Countys of New York and in ye County of Ulster." At a council held September 22, 1687, was passed "Bill for Naturalizing Daniel Duchemin and other ffrench persons." At a council held October 11, 1687, was passed "Bill to prevent ffrauds and abuses in his Majties Excise by Ordinary Keepers." At a council held October 25, 1687, the tax on Rumm was continued for three years. At a council held May 17, 1688, were passed "An act for raising the sume of two thousand five hundred and fifty-five pounds six shillings by or before the first day of November next." and "An act for continuance of ye judges (Sallary) of the Court of Oyer and terminer." At a council held July 30, 1688, it was ordered that further proceedings towards collecting the levy of 2555 L. 6s be suspended until further order. At a council held August 2, 1688, was passed "An act to prohibit shewmakers ffrom using ye mistery of tanning Hides." This was the last act passed during the administration of Governor Dongan. [For full report of proceedings of council during this period, see introductory note by E. B. O'Callaghan to journals of legislative Council of New York, pp. 17-23.]

A change in the government of the Colony had been determined on in England. The entire country from the St. Croix to the Delaware was consolidated under one government, and Sir Edmund Andros was appointed governor. [See Commission and Instructions, pp. 216, 217.] So far as the making of laws was concerned, the powers conferred on Andros were substantially the same as those possessed by Governor Dongan. The governor and council were continued as the law making power, and laws so passed were to continue in force until disapproved by his majesty. Andros arrived in New York early in August, and on August 11th, New York was annexed to New England. At a council held August 29, 1688, the bill for levying 2555 L. 6s, which had been suspended by the Dongan Council, was ordered to be fully executed. Thus things continued until the accession of William of Orange to the English throne, when Jacob Leisler usurped control of the colonial government, and on February 20, 1690, issued writs for a new assembly. All the counties except Suffolk chose representatives. The Assembly met in April and passed the following bill: "An act to raise throughout the government three pence in every pound, real and personal, to be paid the first of June." [See p. 218.] The Assembly adjourned until September. On October 2 was passed "An act for raising three pence in the pound of all Real and personal visible estate of all and singular the inhabitants of this province to be levied in January and March next." [See p. 219.] October fourth was passed "A bill for Amercing and fining all persons within this province

of New York refusing to serve in Commission of Civill or Military power within sd Province under his Majties Lieut Governor of the province aforesaid & that none Inhabitants of ye City & County of Albany & Ulster leave or Depart the city or Countys aforesaid without spetiall Lycense of the said Authority or Carry out of or transport from said places any Wares or Merchandises except such hereafter exprest." [See p. 219.]

In the meantime Henry Sloughter was appointed governor of New York by commission, dated January 4, 1690. [For copy of portion of Com., see p. 221], and on his arrival in New York Leisler was tried, condemned and executed for treason.

The commission of Governor Sloughter authorized the calling of a Legislative assembly, and on March 20, the day after his arrival in New York, writs for the election of representatives to the new Assembly were issued. Pursuant to this call the new Assembly met April 9, 1691, and from that date until the Revolution, the representatives of the people in General Assembly participated in the making of laws for the government of the Colony.

There has been considerable discussion as to whether the laws and statutes passed before 1691 continued of force within the colony. [See note by Robert Ludlow Fowler, to "Fac Simile of the Laws and Acts of the General Assembly &c of New York, as printed and sold by William Bradford, 1694," published by the Grolier Club of New York, at p. 78ff.] The discussion was provoked by the following resolution of the General Assembly, passed April 24, 1691: "Upon an information brought into the House, by Several Members of the House, declaring, That the several Laws made formerly by the General Assembly, and his late Royal Highness, James Duke of York, &c.

"And also the several Ordinances or reputed Laws made by the preceding Governors and Councils, for the Rule of their Majesties Subjects within this Province, are reported amongst the people, to be still in force. Resolved, Nemine Contradicente, That all the Laws consented to by the General Assembly, under James, Duke of York, and the Liberties and Privileges therein contained, granted to the people, and declared to be their Rights, not being observed, and not ratified and approved by his Royal Highness, nor the late King, are null, void, and of none effect. And also the several Ordinances made by the late Governors and councils, being contrary to the constitution of England, and the practice of the government of their Majesties other plantations in America, are likewise null, void, and of none Effect nor Force within this province."

It does not seem reasonable, however, that any resolution of the General Assembly, without the concurrence of the council and Governor,

could operate to repeal former legislation. In fact the laws and statutes theretofore passed are expressly recognized as of force by the commission to Governor Sloughter, which directs him to execute his trust "according to such reasonable Laws and Statutes as now are in force."

As to the acts adopted by the Leisler Assembly, a different construction may apply. The Assembly was called without a semblance of royal authority, the former authority to Governor Dongan having been revoked and the law making power reposed in the Governor and council. Without the sanction or confirmation of the King, it seems probable that such acts, adopted by an irregular assembly and approved by a rebel Governor, were without the force of law.

By his commission from the king, Governor Sloughter, with the consent of the council and Assembly, was invested with "full power and authority to make, constitute and ordaine Laws, Statutes and ordinances for ye publique Peace, welfare and good Government" of the province, but such laws, statutes and ordinances were to be "agreeable unto the Laws and Statutes of this our Kingdome of England." Copies were to be transmitted within three months for royal approbation or disallowance and duplicates by the next conveyance. If disapproved they were to be void; but until disapproved, they were to have full force and effect. The governor was given a negative voice in the making and passing of all Laws, statutes and ordinances. [See copy of commission, p. 221.] The King acted on laws transmitted to him through the privy council until 1696 and after that date, through the Board of Trade.

This was substantially the method of enacting laws until the Revolution.

Theoretically the government of the colony consisted of three departments: the Governor, or in case of his death, the lieutenant governor, the council and the general Assembly. The governor and lieutenant governor were appointed by the crown. The members of assembly were elected by the people of the several counties pursuant to writs issued by the governor. The council originally consisted of not to exceed ten "prudent persons" inhabiting the colony and were appointed by the royal governors in pursuance of their commissions. [See instructions of Governor Andros, July 1, 1674, Doc. Rel. to Col. Hist. of N. Y., III, p. 218; instructions to Governor Dongan, Jan. 27, 1683, Doc. Rel. to Col. Hist. of N. Y., III, p. 331.] May 29, 1686, Governor Dongan was instructed to call together the council, and the members, consisting of seven, were named therein. [See Doc. Rel. to Col. Hist. of N. Y., III, p. 369.] By commission to Governor Dongan, dated June 10, 1686, the Governor was authorized to suspend members of the council. Vacancies were to be notified to the crown and filled by the Crown. Three members were made a quorum, and the commission states that a council shall have seven members in it.

Vacancies were to be filled temporarily by the governor. [See commission to Governor Dongan, Doc. Rel. to Col. Hist. of N. Y., III, p. 377.] In instructions to Governor Andros, April 16, 1688, forty-two councilors were named. Seven members were made a quorum except upon extraordinary emergencies, when five were sufficient. Vacancies were to be filled by the crown, from twelve persons nominated by the governor. The governor was given the power of suspension, but all cases of suspension were to be reported to the crown, with answers to the charges. [See Doc. Rel. to Col. Hist. of N. Y., pp. 543-4.] The instructions to Governor Sloughter, named twelve councilmen. Five members were made a quorum except upon extraordinary emergencies. Vacancies were to be filled by the crown from six persons "men of ability and not necessitous people or much in Debt," nominated by the Governor. [See Doc. Rel. to Col. Hist. of N. Y., III, p. 685.] The instructions to Governor Fletcher, dated March 7, 1692, are substantially the same as those given to Governor Sloughter, except that fifteen councilmen are named [Doc. Rel. to Col. Hist. of N. Y., III, p. 818], while his commission directed that the council shall consist of seven persons. [See Doc. Rel. to Col. Hist. of N. Y., III, p. 828.] As a matter of fact, the council under Governor Fletcher consisted of more than seven members. It will be thus seen that during the early history of the colony, the number of members of the council varied under different governors and in accordance with different commissions and instructions from the Crown.

The Governor presided at the early sittings of the council, voted as a member of the body, and in case of a tie gave the casting vote, thus possessing upon legislative questions two and sometimes three votes. This continued until 1735, when the matter was brought to the attention of the Board of Trade in England, by which it was decided that this action of the governor was inconsistent with his commission. The governor was accordingly notified that the council sat in two capacities, as council to advise his excellency, in which case he was to sit with it,— and also as a third part of the Legislature, in which case he was to neither sit nor vote with the council. From 1735 the council was presided over by a speaker who in accordance with a standing rule of the council adopted October 20, 1736, was to be the eldest councillor present.

Confusion has sometimes arisen in the use of the terms "Assembly" and "session of the Assembly." An Assembly continued until dissolved by the governor. A session continued until prorogued by the governor to a date fixed, the same members meeting at the next session of the same Assembly. A session of the Assembly might be adjourned without constituting the next meeting a new session.

NOTE BY THE COMMISSIONERS.

Messrs. Charles A. Collin, Isaac H. Maynard, and Eli C. Belknap were Commissioners of Statutory Revision when the act of 1891 was passed, providing for the republication of the colonial statutes, and the work now nearly completed was begun under their general supervision. Messrs. Maynard and Belknap were succeeded by Daniel Magone and John J. Linson. When the present commissioners assumed the duties of their office early in the year 1895, they found that the work of copying the colonial laws was completed and some of the earlier portions were already printed. Great care has been taken to obtain an accurate copy of the laws, as required by the statute. All of the work was compared twice with the original before being printed, and has been thoroughly compared and verified since. Almost the entire labor of comparing, verifying and reading proof, as well as a large part of the copying, has been done by Elizabeth A. Carroll, Carrie M. Clancey, Katharine A. Lewis and Grace Dorn, who became experts in the difficult work of preparing a verbatim copy of the early manuscripts. William C. Birmingham, Michael Danaher, Charles C. Dickinson, Owen L. Potter, Frank B. Gilbert, William O'Connor, Mary L. Waite and Mabel Dorn have also rendered valuable assistance at different stages of the work. Robert C. Cumming, Esq., of Albany, N. Y., chief clerk of the Commission, an experienced lawyer and a thorough student, was given special charge of the work. He examined every available source of information, in an effort to furnish an accurate reprint of the early legislation, and also used great care in the preparation of the notes to the laws, as well as the foregoing general notes and the index. These volumes, prepared under his supervision, and embodying the results of his exhaustive research, contain a substantially complete history of colonial legislation in New York, and are an invaluable addition to the legal literature of the State.

CHARLES Z. LINCOLN,
WILLIAM H. JOHNSON,
A. JUDD NORTHRUP,
Commissioners.

ALBANY, *October*, 1896.

First Grant to the Duke of York, 1664.

[The original parchment of the grant to the Duke of York is in the N. Y. State Library, and has become very indistinct. The grant is also recorded in the office of the Secretary of State in vol. 1 of patents, at p. 139. The following copy of the grant is made from a carefully compared copy of the original parchment contained in a "Report of the Regents of the University on the Boundaries of the State of New York," transmitted to the legislature May 28, 1873. Words interlined in the original parchment are here inclosed in parentheses.]

Charles the Second By the grace of God King of England Scotland ffrance and Ireland defender of the ffaith etc TO ALL to whom these presents shall come Greeting. KNOW YEE that wee for divers good Causes and Consideracons us thereunto moveing HAVE of our especiall grace certaine knowledge and meere mocon given and Graunted And by these presents for us our heires and Successors Doe give and Graunt unto our dearest Brother James Duke of Yorke his heires and Assignes ALL that part of the Mayne land of New England beginning att a certaine Place called or knowne by the name of St. Croix next adyoyneing to New Scotland in America and from thence extending along the Sea Coast unto a certaine Place called Petuaquine or Pemaquid and (soe) upp the River thereof to the furthest head of the same as itt tendeth Northwards and extending from thence to the River of Kinebequi and soe upwards by the shortest course to the River Cannada Northward And alsoe all that Island or Islands comonly called by the severall name or names of Matowacks or Long Island scituate lyeing and being towards the west of Cape Codd and the Narro Higansetts abutting upon the Mayne land betweene the twoe Rivers there called or knowne by the severall names of Conectecutte and Hudsons River Together alsoe with the said River called Hudsons River and all the land from the west side of Connectecutte River to the East side of De la Ware Bay And alsoe all those severall Islands called or knowne by the names of Martin Vinyards and Nantukes otherwise Nantukett Together with all the lands Islands Soyles Rivers Harbours Mynes Mineralls Quarries Woods Marishes Waters Lakes ffishings hawking hunting and ffowleing and all other Royalties proffitts Comodities and hereditaments to the said

severall Islands lands and premises belonging and appertaineing with their and every of their appurtennes AND all our Estate right title interest benefitt advantage Clayme and demaund of in or (to) the said lands and premisses or any part or parcell thereof AND the Revercon and Revercons Remaynder and Remaynders together with the yearely and other the Rents Revenues and proffitts of all and singuler the said premisses and of every part and parcell thereof To HAVE AND TO HOLD ALL and singuler the said lands Islands hereditaments and premisses with their and every of their appurtennes hereby given and Graunted (or hereinbefore menconed to bee given and granted) unto our said dearest Brother James Duke of Yorke his heirs and Assignes for ever To the only proper use and behoofe of the said James Duke of Yorke his heires and Assignes for ever To bee holden of us our heires and Successors as of our Manor of East Greenwich in our County of Kent in ffree and Comon Soccage and not in Capite or by Knights Service YEILDING AND RENDERING And the said James Duke of Yorke Doth for himselfe his heirs and Assignes covenant and promise to yeild and Render unto us our heires and Successors of and for the same yearely and every yeare ffortie Beaver Skynns when they shall bee demanded or within Nynety days after AND WE DOE FURTHER of our especiall grace certaine knowledge and meere mocon for us our heires and Successors give and Graunt unto our said dearest Brother James Duke of Yorke his heires Deputyes Agents Commissioners and Assignes by these presents full and absolute power and authority to Correct punish Pardon Governe and Rule all such the Subjects of us our heires and Successors as shall from tyme to tyme Adventure themselves into any the parts or Places aforesaid or that shall or doe att any tyme thereafter Inhabite within the same according to such Lawes Orders Ordinances direccons and Instruments as by our said dearest Brother or his Assignes shall bee established And in defect thereof in Cases of necessitie according to the good discreccons of his Deputyes Commissioners Officers or Assignes respectively as well in all Causes and matters Capitall and Criminall as Civill both Marine and others SOE ALLWAYES as the said Statutes Ordinances and Proceedings bee not contrary to but as neare as conveniently may bee agreeable to the Lawes Statutes and Governement of this our Realme of England AND SAVEING and reserveing to us our heirs and Successors the receiveing heareing and determineing of the Appeale and Appeales of all or any Person or Persons of in or belonging to the Territories or

Islands aforesaid in or touching any Judgment or Sentence to bee there made or given AND FURTHER that it shall and may bee lawfull to and for our said dearest Brother his heires and Assignes by these presents from tyme to tyme to Nominate make Constitute Ordeyne and Confirme by such Name or Names Stile or Stiles as to him or them shall seeme good and likewise to revoke discharge Change and alter as well all and singuler Governors Officers and Ministers which hereafter shall bee by him or them thought fitt and needfull to bee made or used within the aforesaid Parts and Islands and alsoe to make Ordayne and Establish all manner of Orders Lawes direccons Instruccons formes and Ceremonies of Government and Magistracy fitt and necessary for and concerneing the Governement of the Territories and Islands aforesaid soe allwayes as the same bee not contrary to the Lawes and Statutes of this our Realme of England butt as neare as may bee agreeable thereunto And the same att all tymes hereafter to putt in Execucon or abrogate revoke or change not only within the Precincts of the said Territories or Islands butt alsoe upon the Seas in goeing and comeing to and from the same as hee or they in their good discreccons shall thinke to bee fittest for the good of the Adventurers and Inhabitants there AND WE DOE FURTHER of our especiall grace certaine knowledge and meere mocon Graunt Ordeyne and Declare That such Governors Officers and Ministers as from tyme to tyme shall bee authorized and appointed in manner and forme aforesaid shall and may have full power and authority to use and exercise Marshall lawe in cases of Rebellion Insurreccon and Mutiny in as large and ample manner as our Leiftennants in our Countyes within Our Realme of England have or ought to have by force of their Comission of Leiutennancy or any lawe or Statute of this our Realme AND WEE DOE further by these presents for us our heires and Successors Graunt unto our said dearest Brother James Duke of Yorke his heires and Assignes that itt shall and may bee lawful to and for the said James Duke of Yorke his heires and Assignes in his or their discreccons from tyme to tyme to Admitt such and soe many Person and Persons to Trade and Traffique unto and within the Territoryes and Islands aforesaid and into every or any part and parcell thereof And to have possesse and enjoye any lands or hereditaments in the parts and Places aforesaid as they shall thinke fitt according to the Lawes Orders Constitucons and Ordinances by our said Brother his heires Deputyes Comissioners and Assignes from tyme to tyme to bee made and established by virtue of and according to the true intent and meaneing of these presents and under

such Condicons reservacons and Agreements as our said Brother his heires or Assignes shall sett downe Order direct and appoint and not otherwise as aforesaid AND WEE DOE FURTHER of our especiall grace certaine knowledge and meere mocon for us our heires and Successors give and Graunt to our said deare Brother his heires and Assignes by these presents that itt shall and may bee lawfull to and for him them or any of them att all and every tyme and tymes hereafter out of any Our Realmes or Dominions whatsoever to take lead Carry and Transport in and into (their) Voyages and for and towards the Plantacon of our said Territoryes and Islands all such and soe many of our loveing Subjects or any other Strangers being not prohibited or under restraint that will become our loveing Subjects and live under our Allegiance as shall willingly Accompany them in the said Voyages Together with all such Cloathing Implements ffurniture and other things usually transported and not Prohibited as shall bee necessary for the Inhabitants of the said Islands and Territoryes and for their use and defence thereof and maunaging and Carrying on the Trade with the People there and in passing and returneing to and fro YEILDING AND PAYING to us our heires and Successors the Customes and Duties therefore due and payable according to the lawes and Customes of this our Realme AND WEE DOE alsoe for us our heires and Successors Graunt to our said dearest Brother James Duke of Yorke his heires and Assignes and to all and every such Governor or Governors or other Officers or Ministers as by our said Brother his heires or Assignes shall bee appointed to have power and Authority of Governement and Commaund in or over the Inhabitants of the said Territories or Islands that they and every of them shall and lawfully may from tyme to tyme and att all tymes hereafter for ever for their severall defence and safety encounter expulse repell and resist by force of Armes as well by Sea as by land and all wayes and meanes whatsoever all such Person and Persons as without the speciall Lycence of our said deare Brother his heires or Assignes shall attempt to inhabite within the severall Precincts and Lymitts of our said Territories and Islands AND ALSOE all and every such Person and Persons whatsoever as shall enterprize or attempt att any tyme hereafter the distruccon Invasion detriment or annoyance to the Parts Places or Islands aforesaid or any part thereof AND LASTLY OUR WILL and pleasure is and wee doe hereby declare and Graunt that these our Letters Pattents or the Inrollment thereof shall bee good and effectuall in the Law to all intents and purposes whatsoever NOTWITHSTANDING

the not reciteing or menconing of the premisses or any part thereof or the Meets or Bounds thereof or of any former or other Letters Patents or Graunts heretofore made or Graunted of the premisses or of any part thereof by us or of any of our Progenitors unto any other Person or Persons whatsoever Bodyes Politique or Corporate or any Act Lawe or other Restraint incertainty or ymperfeccon whatsoever to the contrary in any wise notwithstanding ALTHOUGH EXPRESSE MENCON of the true yearely value or certainty of the premisses or of any of them or of any other Guifts or Graunts by us or by any of our Progenitors or Predecessors heretofore made to the said James Duke of Yorke in these presents is not made or any Statute Act Ordinance Provision Proclamacon or Restriccon heretofore had made Enacted Ordeyned or provided or any other matter Cause or thing whatsoever to the contrary thereof in any wise notwithstanding IN WITTNES whereof Wee have caused these our Letters to bee made Patents WITTNES our Selfe att Westminster the Twelveth day of March in the Sixteenth yeare of our Raigne.

By the King Howard.

The Duke of York's Laws, 1665-75.

[The Duke of York's Laws for the government of the Colony of New York were compiled from the statutes for the government of the other English colonies in America, under the direction of Nicolls, the first English Governor. They were promulgated at Hempstead, on Long Island, March 1, 1665, and copies were transmitted to the several ridings, constituting the shire of Yorkshire. A copy of these laws, known as the "East Hampton copy," is filed in the clerk's office of the town of East Hampton, in the County of Suffolk. Another copy was filed in the clerk's office of Hempstead, where the laws were promulgated, but on the erection of the town of North Hempstead from the town of Hempstead, the records of the town, including the "Duke's Laws," were transferred to the clerk's office of the town of North Hempstead, at Roslyn. A third copy of the laws is in the New York State Library. The library copy is certified by "M. Wren," who was secretary of the Duke of York, as "Concordat cum originale."

The New York Historical Society, in 1809, published a copy of the East Hampton copy of the Duke's Laws, which is certified by the clerk of the town as a correct copy of the original. (Vol. 1, p. 307, of collections of the New York Historical Society for the year 1809.)

The several existing copies of the "Duke's Laws" vary, partly from errors in transcribing them, and partly from amendments, which were made from time to time by the Court of Assizes, and either were not transmitted to all of the towns, or, if received, were not recorded in the book containing the "Duke's Laws." As each of these copies had the force of law in the jurisdiction in which it was filed, either may be regarded as an original. The commissioners have caused carefully prepared copies to be made of the East Hampton and Roslyn copies of the "Duke's Laws." The East Hampton copy is made the basis of this publication, while the variations in the Roslyn copy, as they occur, are noted in brackets. Variations between the two copies in spelling and capitalization are not noted. It will be noticed that the East Hampton copy states that the laws were published March 1, 1664. In the Roslyn copy the date is given as March 1, 1664-5, which was March 1, 1665, the first three months of the year, before the change in the calendar, being treated as months of the preceding year, as well as of the year under the new calendar.]

LAWES.

Establisht by the Authority of his Majesties Letters patents, granted to his Royall Highnes James Duke of Yorke and Albany; Bearing Date the 12th Day of March in the Sixteenth year of ye Raigne of our Soveraigne Lord Kinge Charles the Second. Digested into one Volume for the publicke use of the Territoryes in America under the Government of his Royall Highnesse.

Collected out of the Several Laws now in force in his Majesties American Colonyes and Plantations
Published March the 1st Anno Domini 1664 at a General meeting at Hemsted upon Longe Island by virtue of a Commission from his Royall Highness James Duke of Yorke and Albany given to Colonell Richard Nicolls Deputy Governeur, bearing date the Second day of Aprill 1664.

ABSENCE.

If any Justice or high Constable shall bee absent from the Sessions held within that Riding hee shall pay for every Dayes absence ten pounds and every petty Constable for each default shall pay five pounds Provided that it shall be Lawfull for the Justices upon the Bench to discharge any Constable from his Appearance if they shall think fitt.

ACTIONS.

That all actions of Debts Accompts Slanders and Actions of the Case concerning Debts and Accompts shall be tryed within that Jurisdiction where the Cause of action Doth arise.

All actions of Debt or Trespasse under ye value of five pounds between Neighbours shall be put to Arbitration of two indifferent persons of the Neighbourhood to be nominated by the Constable of the place; And if either or both parties shall refuse (upon any pretence,) their Arbitration: Then the next Justice of the peace upon notice thereof by the Constable shall choose three other indifferent persons; who are to meet at the Dissenters charge from the first Arbitration and both plaintiffe and Defendant are to bee concluded by the award of the persons so chosen. by the Justice.

In all differences under five pounds not triable in Courts the Constable is to have one shilling for naming Arbitrators to whom the Difference shall be refered, they shall have two shillings six pence each.

If it comes to the Justice, he shall have seaven shillings and Six pence, the Arbitrators (he appoints) five Shillings each, and the Constable, for his trouble, two Shillings Sixpence, This to be paid by the party is Cast.

If any Person shall pretend his Debt or trespasse to be above five pounds, and on the hearing it shall appear to the Court to come under that vallew, in such cases the Plaintiffe shall loose his action and pay the Defendant Cost.

All action or cases from the Value of five pounds to Twenty pounds, shall be tryed att the Sessions within that Jurisdiction from whence there is to be no appeal unless the debt appears to

be above that summe of twenty pounds, or where there is a dubiousnesse in the expression of the law, Which doubt made by one, if it tend to the Causeless vexation of ye other Party; the other Person so offending shall pay all the charges.

Actions of Assault or Battery Breach of the peace or the like, are to be tryed at the sessions within the Jurisdiction where the offence is Committed, for which the Justices of the peace may take Baile or Commit to Prison such offenders to the next Sessions:

Any Person renewing his Suit or Petition or Revew Causeless The plaintiffe shall pay the whole charges of the Court and be Lyable to a fine; But if the Defendant be in the fault, the Just Charges shall be imposed on him.

Any Person falsely pretending great damages & Debts to vex his Adversary; shall pay trible Damage.

The Plaintiffe may have liberty to withdraw his Action and be non Suited (if he see cause) before the Jury give in their Verdict, but hee shall pay full cost and Charges to the Defendant.

All Actions of the Plaintiffe; with his declaration, shall be entered and filed in the Clarkes office eight Days before the Day of hearing, to the end that the Defendant may (if he please) take a Copy thereof and provide his Answer, Which is also to be filed by the said Defendant; And the Judgment if for the plaintiffe shall be Endorsed on the Declaration; If for the Defendant on the Answer, and all Evidences concerning that Cause, are to be filed together, and remaine in the hands of the Clarke.

Where an Action hath been once entred for prosses in Court Although the Difference shall be composed between both parties before they come to a Tryall; yet the plaintiffe shall enter such Agreement in the hands of the Clarke of the Court, And so shall have Liberty to take his Action off the file, paying only for the Entry of the Agreement as for [The words "the Entry of the Agreement as for," are not in the Roslyn copy.] the Entry of the Action; upon forfeiture of ten Shillings for each Session which this first entry of the Action remaineth upon the file.

ADMINISTRATION.

Upon the Death of any person the Constable, with two Overseers of ye parish shall Repair to the house of the deceased party to enquire after the manner of his Death and of his Will and Testament, and in Case none doth Appear, or shall be produced, it may be taken for granted that the Person Dyed intestate, And in the Presence of the Widow, Children and other Relations, if any such there bee, or if any-such refuse to be present,

It shall be lawfull for the said Constable in the presence of the Overseers to make a due Search and enquiry after the estate of the deceased, and within eight and forty howers after, hee is to deliver in writing and upon Oath his full knowledge, to the next Justice of the Peace and the said Justice of ye peace is impowered to send out warrants to take Security against any embezelment or disposal of ye said Estate under any pretence whatsoever, untill the next Court of Sessions where all Cases of Administration within that Liberty shall be Adjudged.

The Estates of all Persons dying intestate who have neither the Relations of Children Brothers or Sisters or their Children Uncles or Aunts or their Children for want of such heires shall, Elapse to the King Provided always that Such Elapsing shall not hinder the Lawfull Clayme of any Such Relations afore mentioned, if it be made appeare upon Oath to the Court, within one Year and Six weeks.

That no Administration be granted untill the third sessions after the parties decease, except to ye Widow or Child and then to be immediately granted to the said widow or child bringing in Sufficient Security for the performing all things the Law requires and saving the Court harmless, And in case the widow or Child do Administer the Estate shall be Inventoryed and Apprisement made by foure Men appointed by the Court and Sworne by a Justice of peace which Inventory or apprizement shall by the said widow or Child be brought into the next Court of Sessions, unless the Court for reasons showed them may think fit to grant Liberty to bring it in the Court following. But in case the deceased Dye without widow or Child, then the estate, for the better improvement thereof shall be sould by order of the Court at an Outcry, and the purchasers all puting Security, and Acknowledging Judgment for their debt which by the Court shall be Assigned to the several Creditors of the decedent, and paid according to ye priority of Law and the Surplusage remaining, if any, to be delivered to the next kinsman of the decedent, if he appears or if none prove himself such within one year and six weeks, Then the Court to give an accompt of ye said Surplusage to the Governour. And when the widow or Child Administers the surplusage after debts paid and the funerall Charges according to the quality of the person allowed for, shall be equally divided between the Widow and Children, viz. one third of the personall Estate to the widow and the other two thirds amongst the Children, provided the Eldest Sonne shall have a double portion, and where their are no Sonnes the daughters shall inherit as Copartners, and if any of the Children shall happen to dye before it come

to age his portion shall be divided amongst the Surviving Children.

Whoever pretends to Administer upon any Estate shall bring to the Court Sufficient Security, before the Order shall be granted, And an Order thus obtained legally by giving in such Security to be truly accomptable to bring in a true Inventory, and to perform such things as Administered by Law are, required or enjoyned, shall not any time after be reserved, unlesse the partie that obtained the Same, dye before he hath given an Accompt of the estate and obtained his Quietus in which case the Court is Impowered to grant the Administration of that Estate so not Accompted for to some other person who may by virtue thereof call the heirs Executors or Administrators of the former Administrators to accompt who shall pay out of the deceased Administrators Estate all such debts as shall be found due to the estate he administered upon in the first place.

If any Executor nominated in any will and knowing thereof shall not at the next Sessions which shall be above thirty days after the decease of the party; or shall not cause the same to be recorded by the Recorder or Clarke of that Court within which Jurisdiction the deceased party last dwelt. Or if any person whatsoever shall not within the same time take Administration of all such goods as he hath, or shall enter upon of any party deceased, or if any person or persons shall alienate or Embezell any lands or goods before they have proved and recorded the will of the deceased or taken Administration, every such person so administering, or Executing shall be lyable to be sued, and shall be bound to pay all such debts respectively as the deceased party owed, whether the estate of the deceased weare sufficient for the same or not and shall also forfeit.

If any person shall renounce his Executorship or that none of the friends or kindred of the deceased party that shall die intestate shall seeke for Administration of such persons Estate, then the Constable of the Town where any such person shall die, shall give notice thereof to the next Court of Sessions; that so the Court may take order therein, as they shall think meet, who shall also allow such Constable due recompence for his pains But if the Constable shall fail therein, he shall forfeit forty Shillings to the publique Treasury.

That the Clarke of the sessions when he carries the Probates or Commissions of Administration to be signed do then alsc Certify unto the Recorders Office at New York, the name of the testator or the party deceased the Executors or Administrators and their Security the County and Parish where they dwelt And the Court wherein the Administration is granted

to the end that strangers and other creditors invested in the Estate may be the better Enabled to find out the Records in which the accompts of the estate is entered and be informed how they may come to their just dues.

Memorandum That what is here spoken of Executors or Administrators the like is ment; and intended also of Executrixes and Administratrixes who in such Cases are to have the same privileges.

AMERCIAMENTS.

All Amerciaments and Fines that are not expresly regulated because the meritt of the Case or offence can not be foreseen shall be imposed at the discression of the Court.

That all fines and Amerciaments be collected by the petty Constables who are to give in an Accompt of them to the high Constable Eight days before the Sessions ensuing, and the high Constable shall give in their Accompts to the high Sheriffe eight days before the next Assizes.

APPEARANCES.

It shall be lawful for the plaintiffe or Defendant to take out Subpona from the Sheriffe or under Sheriff to Summon Witnesses to give in their evidence, in Case they will not voluntarily appear and the witnesses so summoned shall for non Appearance at the Session be fined twenty shillings; and for non Appearance at the Assizes forty Shillings Or such other fine or punishment as shall be Adjudged by the Court for damage done to the Cause by his non Appearance Provided that noe man shall be punished for non Appearing at or before any Court or Counsel, nor for the Omission of any Office or Service, if he shall be necessarily hindred, by any Apparent Act or Providence of God; which he could neither foresee nor avoid Provided also that this Law shall not prejudice any person of his Just cost and Damage in Civill Actions.

APPEAL.

That no Justice of the peace that hath sate as Judge or voted in any Inferior Court in that case he is appealed from, shall have any vote in the Superior Court appealed to; but the Case shall be there determined by such as are no way engaged in the same, by Judging or voteing formerly, And in all Cases of Appeales the Court appealed to, shall Judge the Case according to former evidence and no other, unless some material witness was not then in the Country or necessarily hindred from giveing in evidence at the triall, only rectifying what is amiss therein, and where matter of fact is found to agree

with the former Court and the Judgement according to Law; not to revoke the Sentence or Judgement; but to abate or increase Damages as shall be Judged Right.

That in all Case of appeals the appealant do put in good Security for prosecuting the Appeal and payment of Damages to the Defendant if the Appealant be Cast in the Suite for his unjust Molestation.

If the Case of Appeal be of a Criminal nature, the party shall put in Security for the good behaviour, also, until the hearing, but if the Case be Capitall, and the person condemned shall appeale; he shall be kept in Goale till the next Assizes and then prosecuted and tryed Accordingly.

All Appeals with the Security aforesaid shall be Recorded at the charge of the party Appealing, and Certified to the Court to which they are made, and the party appealing shall briefly, in writing, under his owne or his Attorneys hand, give unto the Clark of the Court from which he did appeal, the Grounds and reasons of his Appeal Six days before the beginning of the Court to which he did appeal, the said Clark shall returne to that Court the said writing, and give Coppyes thereof to the defendant, and whosoever shall Appeal from the sentence of any Court and not prosecute the same to effect, according to Law shall besides his bond to the party forfeit to the Country the sum of Forty shillings for every such neglect.

All appeals are to be made by way of Petition and the Appealant, shall pay ten Shillings upon the delivery of the petition unto the Clark of the Assizes for defraying the Charges thereof, over and above two Shillings Six pence to the Clark for entring the Appeal.

APPRISEMENT OF GOODS.

That the plaintiffe and Defendant shall choose, each of them, two indifferent men, for that purpose, and in Case of disagreement, the said four, or any three of them, shall choose an Umpire, which Umpire, so chosen, shall be sworn by the next Justice of peace, to Apprize such Goods indifferently, and his Umpirage to be finall. And if the Plaintiffe or Defendant neglect to Appoint Apprizers within three days after Execution is served, notice being given them by the Sheriffe to whom the Execution was directed, that then the Sheriffe, in such case of neglect, shall choose and Appoint Apprizers either for the Plaintiffe or Defendant for Apprizing the Goods by him Seized upon Execution as aforesaid, That before Such Apprisement the Sheriff shall remove the goods out of the possession of the plaintiffe, and the surplusage, if any be, returned to him; but after Apprisement made as aforesaid, the property to rest in the

Sherriffe for the use of the Creditor to whom the Sheriff shall give notice that he may take them into his own possession, and because there can be no Averment against a Record, the Sheriff shall make returne of the Execution to the Clark of the Sessions that granted it, by him to be entered upon Record, under the Order it was Issued upon, that so the Satisfaction as well as the Judgement may be Authentickly proved, Occation Require.

ARREST.

That no Sheriff nor other officer shall Execute any writ or warrant upon any person or persons either upon the Sabbath day, upon the day of humiliation for the Death of the late King of Blessed memory, upon the day appointed for Thanksgiving for his Majesties happy restoration or upon the 5th day of November provided always that it shall, and may be Lawful for the Sheriff, or any other Officer to apprehend and Carry to prison, any person or persons for Riotts felony or Escape out of prison when under Execution, upon any day, at any place, any thing in the Law to the Contrary notwithstanding.

All that comes to the Sessions or Assizes for publique service or upon Compultion upon Complaint & Examination of the matter by oath, shall be freed from any Arrest dureing their occations so long as the Court sits.

All arrests, writs, warrants and proclamations are to be in his Majesties Name.

No person shall be Arrested for any Debt or fine untill the time when the Debt or fine shall become due is expired; unless it Doth appear upon Oath, that the Debtor, doth intend to convey himself away upon purpose to avoid the Action, and defraud his Creditors; In which case also, he shall not be arrested but either by Special warrant or warrant from one Justice of the peace or high Sherrife.

In case any suite or action depends between two persons of one Town, the one shall not cause the other to be arrested in any other Jurisdiction upon any pretence but by special warrant.

Whosoever shall upon pretence of Debt or trespass Arrest any Person with intent to disinable him from giving in Testimony in any Case depending, or from prosecuting any suite in which he stands engaged shall be punished by Fine and Imprisonment at the discression of the Court, and the person so Arrested shall be set at liberty. Neither shall the Cause, for want of such evidence, whilst under Arrest, be Adjudged to the prejudice of either Plaintiffe or Defendant.

Any person under arrest except in cases not bailable may be set at Liberty to prosecute, Answer, or give in evidence at the Sessions or Assizes, Security being given for his return to prison, and in case no bail or Security can be found, the Court may send for the party by Special warrant.

No mans person shall be longer imprisoned for Debt or fine than he can find sureties for his Answering the Suite, or paying the Debt. And if it shall Appear to the Court, that the person impleaded hath a Competent man ["means" in Roslyn copy] to give Satisfaction out of his Estate reall or personal for the said Debt, Then the Court shall Discharge the person and Secure the Plaintiffes debt out of the Defendants Estate.

All Persons of known Estates who to beget strife refuse the payment of their Just Debts if arrested and Imprisoned, shall be kept at their own charge, and not the Plaintiffes, till Surety be given or Satisfaction made Provided that no mans person shall be kept in prison for debt or fine, Longer than the Second Day of the next Sessions after the Arrest unless the Plaintiffe shall make it appear that the person Arrested hath some Estate which he will not produce, In which case the Court may Authorize an Oath to be Administered to the party or any other Suspected to be privie in Consealing his Estate. And the Court shall also order if no Estate can be found, that the Debtor shall Satisfie his Debt by service, if the Creditor so require, as also the charge of his arrest and imprisonment.

ASSESSMENTS.

All assesments shall be made by the Constable and the Eight Overseers of the Parish proportionable to the Estate of the Inhabitants in the Town or parrish where such Assesments is to be made, and every Inhabitant who shall not Contribute proportionably to the Rate so Assesed, shall be compelled thereunto by Atachment or distress of Goods to be Leveyed by the Constable provided that no man shall be assesed for any Estate Reall or personall which lyeth not within the same Town or Parrish where he is Assessed.

That the Justices of peace only shall be exempted from paying any publique Assessment in the place where they Inhabit dureing the time of their bearing Office payment to the Church only excepted.

The Towns assesment shall be certified in writing unto the Sessions, and the Justices are impowered to relieve any Inhabitant by abatement who shall make it appear that he is over Charged.

In case of the necessary or Casual absence of one two or more of the Overseers when the Assesments or other Dutyes are to be performed, relating to the Constable and the Eight Overseers aforementioned it shall be lawful for the Constable and four Overseers to act and determine as if the whole Number were present, And if any one Overseer shall happen to dye dureing the time of his Office it shall be lawful for the rest of the Overseers by the Major voate to Choose an other in his place and the person so chosen, upon refusal of the said Office shall forfeit to the Town ten pounds towards the defraying of the Towns Charges.

ASSAULTS.

Assaults are made either by Blowes or offering of hurtful blowes or at least by threatening and menacing speeches To rebuke an Officer with foule words, so that he departs with fear without doing his Office shall be taken for an Assault.

A servant or labourer ["workman" in Roslyn copy.] convicted by Confession or two witnesses for Assaulting his Master Dame or Overseers shall be Imprisoned till the next Sessions, where he shall be brought to answer for the fault and shall receive what Corporall punishment the Court shall Adjudge Saving life & Member:

In defence of himself his wife Father or Mother Children or Servants a man may Lawfully use force to resist any attempt made to that purpose.

ATTACHMENT AND SUMMONS.

That it shall be in the Liberty of every Plaintiffe to take out either summons or attachment against any Defendant provided no Attachment shall be granted in any Civill Action to any Forrainer or Stranger against a settled Inhabitant in this Jurisdiction before he hath given Sufficient Security or Caution to prosecute his Action, and to answer the Defendant such cost as the Court shall award him.

That in all attachments of Goods and Chattles or of Lands and hereditaments Leagall notice shall be given to the party, or Left in writing at his house or place of usuall aboad, otherwise the Suite shall not proceed notwithstanding if he be out of this jurisdiction, the Cause shall then proceed to Trial; but Judgment shall not be entered before the next Court, and if the Defendant doe not then appear, Judgment shall be entered; but Execution shall not be granted before the Plaintiffe have given Security to be Responsible to the Defendant if he shall Reverce the Judgment within one year or such further time as the Court shall limitt.

That no summons pleading Judgment or any kind of proceedings in Court, or Courts of Justice shall be abated Arrested or Reverst upon any kind of Circumstancial Errors or mistakes if the person and cause be rightly understood & Intended by the Court, And in all Causes when the first Summons are not served eight Days Inclusively before the Court, and the Case briefly Specified in the warrant where Appearance is to be made by the party Summoned, it shall be at his liberty whether he will appear or not, except all Cases that are to be handled in Court suddenly called on extraordinary Occation, by Special Warrant.

That all Original processe whether Summons or Attachment shall express in whose name the party Sueth, whether in his own name or as an Executor of the last will and testament of such a man, or Administrator of the goods and Chattle, of such a man, or Assigne, Attorney, Guardian, or agent of such a man, or the like, or otherwise if Exemption be taken before the parties joyne Issue it shall be good and the plaintiffe shall be lyable to pay Cost.

ATTORNEY.

That no justice of Peace shall at any time whilst he is in Commission be an Attorney in any Case.

That no high Sheriffe, under Sheriffe high Constable petty Constable or Clarke of the Court shall be permitted to plead as an Attorney in any Persons behalfe in the Court where he Officiates, provided always that if any poore person not able to plead his owne Cause shall request the Court to Assigne him the High Sheriffe under Sheriff high Constable petty Constable or Clark to plead for him it shall be Lawful for the Court to grant it; And for the person to plead accordingly, But the person so pleading the poor mans Case, is not to give Judgment provided also that any high Sheriffe under Sheriffe high Constable petty Constable or Clark acting as general Attorneys for any person, absent out of the Country, and Negotiating their Affaires, and so Lyable to be sued for their Employers such Persons shall have Liberty, also to plead and prosecute in any Cause that shall any way Conscerne their said Employers.

ASSIZES.

The Court of Assizes shall be held but once in the year which shall begin on the last thirsday in September at New York.

Upon information from any Court of Sessions to the Governour and Councell of any Capitall Offender, unless the Court of Assizes shall happen, to be within two Months time after

such information; The Governor and Councell shall Issue forth a Commission of Oyer and Terminer for the more Speedy Trial of such Offender.

BAYLE.

Baylement is the saving or delivering a man from prison before he hath Satisfied the Law, by finding Surety to Answer which is justifiable by Law.

The person bayled is to be delivered into his Suretyes hands.

If the sureties shall afterwards doubt the Escape of the prisoner Bayled; a Justice of the Peace upon prayer may discharge the Sureties and Commit the party to prison untill he find other Security such as the Justice shall accept.

To Bayle one not baylable, is a negligent Escape in the Justice.

To Bayle one Contrary to Law is fineable, which is to be interpreted for Bayling persons committed either by Special warrant, or for Capitall Offences.

BARRATRY.

If any man shall be indicted proved and Judged a Common Barrator; vexing others with unjust frequent and endless Suites it shall be in the power of the Court both to reject his Cause; and punish him for his Barratry by fine or Imprisonment.

BALLAST.

That no Ballast shall be taken from any Town Shore by any Person whatsoever without Allowance under the hands of the Constable and two Overseers upon the penalty of Sixpence for every Shovell full so taken, unless they be such Stones as they had lay there before, and that no Ship, nor other vessell shall Cast out any Ballast in the Channel or other place unconvenient; in any harbour within this Government, upon the penalty of ten pounds.

BILLS.

That any Debt or Debts due upon bill or other Speciallity Assigned to another, shall be as good a debt and Estate to the Assignee, as it was to the Assigner, at the time of its Assignation, and it shall be lawful for the said Assignee, to sue for, and recover the said Debt due upon Bill and so Assigned as fully as the Original Creditor might have done, Provided the said Assignment be made upon the Back side of the bill or Speciallity.

BOND SLAVERY.

No Christian shall be kept in Bondslavery, villenage or Captivity, Except Such who shall be Judged thereunto by Authority, or such as willingly have sould, or shall sell themselves, In which Case a Record of such Servitude shall be entered in the Court of Sessions held for that Jurisdiction where Such Matters shall Inhabit, provided that nothing in the Law Contained shall be to the prejudice of Master or Dame who shall by any Indenture or Covenant take Apprentices for Terme of Years, or other Servants for Term of years or Life.

BOUNDS.

That every Town shall sett out their Bounds within twelve Months after their Bounds are granted, and that when their Bounds are once set out; once in three years, three of the Overseers of the town Appointed by the next Justice, shall Appoint with the Adjacent Towns the Auncientest Town to give notice to the neighbours Towns to go the Bounds betwixt their said Towns and renew their Marks, The time of preambulation to be between the 20th and last [The word "day" here occurs in Roslyn copy.] of February and at the charge of each particular Town upon the penalty of five pounds for every Town that shall neglect the same.

If any particular [The word "mans" here occurs in Roslyn copy.] Town lott or Lands lying in Common with others shall refuse to go to the Bounds between his lands and other mens once a year, being requested thereunto upon one weeks warning he shall forfeit ten shillings for every day so neglected one half to the party moving thereto, And the other half to the Town.

And whereas many Contentious Suites do arise about the bounds, Limits and titles to lands appertaining to Towns or particular persons occationed much through the unskilfulness or fraud of pretended Surveyors, for prevention whereof for the future, No Surveyor of Lands shall give a plott of any lands Surveyed by him unto any other person or persons whatsoever, than such as Employed them, untill six Months after such Plott is drawn according to its Survey, And that one Plott so drawn describing the bounds and Limits of the Town shall be kept in the Records of each particular Town, and another plott so drawn and delivered to the Clark of that Court of Sessions to which that Town Relates, within Seven Months after the Survey shall be so made.

BREWERS.

That no person whatsoever shall henceforth undertake the Calling or work of Brewing Beere for Sale, but only such as are known to have Sufficient Skill and knowledge in the art or

Mistery of a Brewer, That if any undertake for victualling of Ships or other Vessels or Master or owner of any such Vessels or any other person shall make it appear that any Beer bought of any person within this Government do prove unfit, unwholesome and useless for their supply, either through the insufficiency of the Mault or Brewing or unwholesome Cask, the Person wronged thereby, shall be and is hereby enabled to recover equal & Sufficient damage by Action against that Person that put the Beer to Sale.

BIRTHS, MARRIAGES AND BURIALS TO BE REGISTERED.

The Names and Surnames of every Inhabitant within the Several Parrishes within this Government shall be Regestered, and to prevent future inconveniences which may arise about the age of Orphants The Certaine Marriage of Men and Women or the decease of, persons imported into this country whereof no positive Certificate can be granted, as to the age of one, Marriage of another or the Death of another, The Minister or Town Clark of every parrish shall well and truly and plainly Record all Births Marriages and Burials that shall happen within his Respective parrish, in a Book to be provided by the Churchwardener for that purpose, And if any Master of a family or other person Conscerned shall omitt the giving notice to the said Minister or Town Clark, of the Birth Marriage and Death of any to him or them Related the space of one Month Such person for his neglect shall be fined five shillings. [The words "five shillings" are not in Roslyn copy.] And the Minister or Town Clark shall have for his entry of such Birth Marriage or Death four pence, and if the Minister or Town Clark shall neglect entering the same as aforesaid he shall be fined upon Discovery made thereof to the use of the parrish.

BURIALS.

Whereas the private Burial of Servants & others give occation of much Scandal against divers persons and So divers times not undeservedly of being guilty of their Death from which if the person Suspected to be Innocent, there can be no vindication, nor if guilty no punishment by reason they are for the most part Buried without the knowledge or view of any other then such of the family as by nearness of Relation, as being Husband Wife or Child are unwilling or Servants, are fearfull to make discovery, if Murder were Committed, for remidy whereof, and for the greater decency of Burials There shall be within every parrish of this Government, one or more places appointed according to the extent of the parrish, to be set apart and fenced in for places of publique Burial, and before

the Corps be Buryed there shall be three or four of the neighbours Called, of which one shall be one of the Overseers of the parrish, who may in Case of Suspicion view the Corps and if none, yet according to the decent custom of Christendom they may accompany it to the grave, And that no person whether free or Servant, shall be Buried in any other place then those so appointed, unless such who by their own appointment in their life time have signified their desire of being interested in the burial place of some other parish.

CAPITALL LAWES.

1. If any person within this Government shall by direct exprest, impious or presumptuous ways, deny the true God and his Attributes, he shall be put to death.

2. If any person shall Commit any wilful and premeditated Murder, he shall be put to Death.

3. If any person Slayeth another with Sword or Dagger who hath no weapon to defend himself; he shall be put to Death.

4. If any man shall slay, or Cause another to be Slain by lying in wait privily for him or by poisoning or any such wicked Conspiracy, he shall be put to Death.

5. If any man or woman shall lye with any Beast or Bruite Creature by Carnal Copulation they shall be put to Death, and the Beast shall be Burned.

6. If any man lyeth with mankind as he lyeth with a woman, they shall be put to Death, unless the one party were Forced or be under fourteen Years of age, in which Case he shall be punished at the Discretion of the Court of Assizes.

7. If any person forcibly Stealeth or carrieth away any [The words "man or" here occur in Roslyn copy.] mankind; He shall be put to death.

8. If any person shall bear false witness malliciously and on purpose to take away a mans life, He shall be put to Death.

9. If any man shall Tratorously deny his Majesties right and titles to his Crownes and Dominions, or shall raise Armes to resist his Authority, He shall be put to Death.

10. If any man shall treacherously conspire or Publiquely, attempt to invade or Surprise any Town or Towns, Fort or Forts, within this Government, He shall be put to Death.

11. If any Child or Children, above sixteen years of age, and of Sufficient understanding, shall smite their Naturall Father or Mother, unless thereunto provoked and forct for their selfe preservation from Death or Mayming, at the Complaint of the said Father and Mother, and not otherwise, they being Sufficient witnesses thereof, that Child or those Children so offending shall be put to Death.

[In the E. Hampton copy the title of "Capital Lawes" ends here. The remainder is in the Roslyn copy only.]

12. Every marryed person or persons, who shall bee found or proved by Confession of partyes, on sufficient Testimony, to have committed Adultery with a marryed man, or woman, shall be put to death.

Every single person or persons who shall bee found, or proved by confession of partyes on sufficient Testimony, to have committed Carnall Copulation, with a marryed man or woman, they both shall bee grieviously fined, and punisht as the Governor & Council or the Court of Assizes shall thinke meete, not extending to Life or Member.

CATTLE CORN FIELDS FENCES

Every Person interested in the improvement of Common fields [The words "or any ffield" here occur in Roslyn copy] inclosed for Corn or other Necessary use shall from time to time, make and keep his part of the fence Sufficiently strong and in constant repair, to secure the Corn and other fruits therein, and shall not put, cause or permit any Cattle to be put in so long as any Corn or other fruits shall be growing or remain upon any part of the Land so Enclosed, unless by some general exprest agreement of such as are interested, and if at any time the owners or occupiers of any such inclosed Lands, Cannot or do not agree in any part of the premisses Then upon due and Seasonable notice given to the Constable and Overseers of the Town they shall appoint a Convenient time to hear and order such differences, and Settle a due way of fencing improving, & preserving such fields and the fruits of them, And whosoever shall Oppose or transgress shall be lyable to all damage proved to grow thereby and to such further fine for breach of orders as the Overseers shall Judge meet.

And the said Constable and Overseers shall from year to year appoint one or two or more of the planters for all or each Common field belonging to the Town where they dwell; to view the Common fences within their trust and to take due notice of the real defects and insufficiency thereof, and shall forthwith acquaint the owners with the same, and if the said Owners or occupiers do not at furthest within Six Days, or sooner if the said Constable and Overseers see Cause, and so appoint Sufficiently Repaire, or Cause the same to be Sufficiently Repaired, he or they shall forthwith upon the demand of the appointed viewer or viewers (besides other Just damages) pay as a fine to the Town Twelve pence for every Rod, if there be a considerable quantity of such defective fence together, or for every Single

defect in such faulty fence, or the said viewer or viewers taking due witness of the defects, may if it Suite their Conveniency forthwith repair or renew them or Cause them to be repaired or renewed, and shall have double recompence for the same, to be paid, besides, other [The word "just" here occurs in Roslyn copy] Damages, by the Owners or Occupiers of the said insufficient fence or fences.

And in either Case if payment be denyed or delayed the said Constable and Overseers shall Levy the same forthwith upon the Estate of the delinquent to the use of the viewer or viewers.

And where Lands lye in Common unfenced, if one man shall improve his Land by fencing in several and others, one or more shall not, he who shall so improve, shall Secure his Land from other mens Cattle, unruly Cattle excepted, who shall Compell no man to make any fence with him except he also Improve in Several.

And where one man shall improve before his neighbor & so make the whole fence. If his said neighbour shall after improve: he shall then Satisfie for half the other fence against him; according to the present vallew and shall maintain the same, and if the first man shall after lay open his field or land, then the said Neighbour shall both enjoy his said half fence so purchased, and shall have Liberty to buy the other half fence against his Lands paying according to the present worth as it shall be rated by two men Indifferently Chosen, and the like order shall be when any man shall improve Land against or Adjoyning to a Town Common provided this extend not to house Lotts in which if one man improve his Neighbour or Neighbours shall be Compellable to make and maintain one half of the fence between them whether he or they improve or not, provided also that no man shall be Lyable to damage done in any ground not sufficiently fenced and himself not interested in the defective fence, or some part of it, Except the damage were done by Prohibited or unruly cattle of any sort, in which Swine are Included which cannot be restrained by ordinary fence or where any shall unwarrantably put in Cattle of what Sort, or under what Couler, or pretence whatsoever, or otherwise wilfully tresspass upon his Neighbours ground.

All Cattle and hoggs shall be markt with the publique mark of the Town to which they belong and the private mark of the owner, and when they are Sould to any other Town, the Purchaser shall cause the Towns mark of the place where he inhabiteth, besides his own particular mark to be sett on, or over the mark of the Town from which he bought them.

All horned Beasts shall be marked upon the Horne with the Towne mark to which they belong.

That whatsoever Swine or greater Cattle, horses excepted shall be found in the woods or Commons unmarked are Lyable to Poundage or being either pounded or otherwise prosecuted & proved, The owners shall pay for each Swine unmarkt three Shillings four pence, of which half the fine to the pounder or prosecutor and the rest to the Constable & Overseers, and for each of the greater sort of Cattle Six Shillings, whereof half shall be ordered to the pounder or prosecutor & the rest to the Constable & Overseers, but if the owners be not known or found, then every such swine or Beast of a greater kind to be duely cryed, that the owner may take notice Claime his interest and pay the fine and Charges.

But if no owner be found, then after due Apprizement by Indifferent men Chosen by the Constable and Overseers of the place and the same recorded in the Court of Sessions, Sale to be so fairly made, that the fine and Charges may be fully paid & the remaineder kept by the Constable, till the owner be known and the rest of such swine or Cattle, being first markt with a publique Town mark or Brand with some Distinction from the mark of particular men to be again turned into the woods.

That no owner of Cattle of what kind soever after knowledge or notice given, that any Cattle of his whether Horse or other Beast or Swine, is unruly in respect to fences shall Suffer any such to go at Liberty, either in Common or against Corn fields or other impropriated enclosed ground fenced as aforesaid, but shall either Constantly keep upon his own ground, within Sufficient fences, all his own, or put and keep upon each of them such shakles and fetters or yoakes and rings as may sufficiently from time to time Restrain them and prevent trespass or shall pay all Damage & Charges, whether in Corn or other fruit with hurt in fences, expences of time, help in Catching, pounding, driving out and bringing home any such unruly Cattle, of what kind soever, with such further fine for breach of order, and Court Charges if the plaintiffe be put to recover it that way, as the Court of Sessions shall Judge meet.

For impounding of Cattle for trespass upon Corn or Meadow grounds, for each Horse, or Mare, Bull, or Cow, above two years to be paid to the Constable one peny per head.

For all Cattle under two years old and for Sheep or Hoggs, one half penny per head: Provided always that the said Cattle sheep or hoggs be taken in the Trespass, then to pay as before said, and not otherwise, Moreover the owner of the said Cattle

Sheep or Hoggs shall pay just Cost for the Nourishment of them so Impounded till they find Bail to Answer or shall Compound for the trespass before it comes to Court.

Although it be in the Constables power to impound yett he shall not grant a Replevin without two Overseers who are to take Security to answer the trespass, and if the Cattle impounded be worth five pounds or above, the owners shall pay five Shillings, if under shall pay one Shilling for the Replevin, But if the party damaged shall agree with the trespasser then to pay only for impounding as aforesaid.

CAUSES.

Every Cause of five pounds or under, shall pay two shillings Sixpence, if the Cause be of ten pounds it shall pay five shillings if above ten pounds to twenty pounds there shall be paid ten Shillings, and for every ten pounds more two Shillings Six pence.

That all causes shall be heard and tryed according to their priority of entrance, and if it shall happen that the Justices have Leasure and can dispatch the Causes of which due entry was made before the time of Sessions is expired, It shall be lawful for the Justices to hear and determine any other cause or causes Action or Complaints in as full and Ample manner as if due Entry had been made, both the parties being agreed to come to an issue, any thing to the Contrary in any other Law Notwithstanding.

CHURCH.

Whereas the publique Worship of God is much discredited for want of painful & able Ministers to Instruct the people in the true Religion and for want of Convenient places Capable to receive any Number or Assembly of people in a decent manner for Celebrating Gods holy Ordinances These ensueing Lawes are to be observed in every parish (Viz.)

1. That in each Parish within this Government a church be built in the most Convenient part thereof, Capable to receive and accomodate two Hundred Persons.

2. That For the making and proportioning the Levies and Assessments for building and repairing the Churches, Provision for the poor, maintenance for the Minister; as well as for the more orderly managing of all Parochiall affairs in other Cases exprest, Eight of the most able Men of each Parish be by the Major part of the Housholders of the said Parish Chosen to be Overseers out of which Number the Constable and the aforesaid Eight Overseers shall yearly make choice of two of the said number, to be Church wardens and in case of the Death of any of the said Overseers and Church wardens; or his or

their departure out of the parish The said Constable and Overseers shall make Choice of another to Supply his Room.

3. Every Overseer is to take the Oath of Allegiance at the time of his Admittance into his office in the Presence of the Minister Overseers and Constable of the parish, besides the Oath of his Office.

4. To prevent Scandalous and Ignorant pretenders to the Ministry from intruding themselves as Teachers; No Minister shall be Admitted to Officiate, within the Government but such as shall produce Testimonials to the Governour, that he hath Received Ordination either from some Protestant Bishop, or Minister within some part of his Majesties Dominions or the Dominions of any foreign Prince of the Reformed Religion, upon which Testimony the Governour shall induce the said Minister into the parish that shall make presentation of him, as duely Elected by the Major part of the Inhabitants [the word "freeholders" here occurs in Roslyn copy] housholders.

5. That the Minister of every Parish shall Preach constantly every Sunday, and shall also pray for the Kinge, Queene, Duke of Yorke, and the Royall family. And every person affronting or disturbing any Congregation on the Lords Day and on such publique days of fast and Thanksgiving as are appointed to be observed. After the presentments thereof by the Churchwardens to the Sessions and due Conviction thereof he shall be punished by fine or Imprisonment according to the merrit and Nature of the offence, And every Minister shall also Publiquely Administer the Sacrament of the Lord's Supper once every Year at the least in his Parish Church not denying the private benifit thereof to Persons that for want of health shall require the same in their houses, under the penalty of Loss of preferment unless the Minister be restrained in point of Conscience.

6. No Minister shall refuse the Sacrament of Baptism to the Children of Christian parents when they shall be tendered under penalty of loss of preferment.

7. Ministers are to Marry Persons after Legal publication or Sufficient Lycence.

8. Legal publication shall be so esteemed when the persons to be Married are three Several Days asked in the Church, or have a Special Licence.

9. Sundays are not to be prophaned by Travellers Labourers or vicious Persons.

10. That no Congregations shall be disturbed in their private meetings in the time of prayer preaching or other divine Service Nor shall any person be molested fined or Imprisoned for dif-

fering in Judgment in matters of Religion who profess Christianity.

11. No Person of Scandalous or vicious Life, shall be Admitted to the holy Sacrament, who hath not given Satisfaction therein to the Minister.

CHURCH WARDENS.

That Church wardens shall twice every year (viz) on the Second day of the Sessions, to be held in June; and on the Second day of the Sessions, to be held in December, In open Sessions deliver a true presentment in writing of all such misdemeanors as by their knowledge have been Committed and not punished whilst they have been Churchwardens. Namely, Swearing, prophaness, Sabbath breaking Drunkenness, fornication, Adultery, and all such abominable Sinnes; The said Churchwardens are also hereby impowered to cause any person upon whose report they ground their presentment to appear at the respective Sessions to which the presentments are made to give in their evidence concerning the same, and the refusers shall be Lyable to be fined at the Sessions.

CHARGES PUBLICKE.

The Charges of all Officers Civill and Military to whom no other fees are expressly granted and appropriated shall be Annually paid out of the Common Treasury in reall and good payment, or Assignation to his or their Satisfaction.

Every Inhabitant shall Contribute to all Charges both in Church and State, whereof he doth, or may receive benefit according to the equall proportion of his Estate.

CHILDREN AND SERVANTS.

The Constable and Overseers are strictly required frequently to Admonish the Inhabitants of Instructing their Children and Servants in matters of Religion, and the Lawes of the Country, And that the Parents and Masters do bring up their Children and Apprentices in some honest Lawfull Calling Labour or Employment. And if any Children or Servants become rūde Stubborne or unruly refusing to hearken to the voice of their Parents or Masters the Constable and Overseers, (where no Justice of Peace shall happen to dwell within ten miles of the said Town or Parish) have power upon the Complaint of their Parents or Masters to call before them Such an Offender, and to Inflict such Corporall punishment as the merrit of their fact in their Judgment shall deserve, not exceeding ten Stripes, provided that such Children and Servants be of Sixteen years of age.

CHIRURGIONS, MIDWIVES, PHYSICIANS.

That no Person or Persons whatsoever, Employed about the Bed of Men women or Children at any time for preservation of Life or health as Chirurgions, Midwives, Physicians or others; presume to Exercise or put forth any Acte Contrary to the known approved Rules of Art in each mistery or Occupation, or Exercise any force violence or Cruelty upon, or to the Bodies of any whether Young or old; without the advice and Counsell ["consent" instead of "councell" in Roslyn copy] of the such as are Skillfull in the same Art (If such may be had,) or at least of some of the wisest and gravest then present and Consent of the patient or patients if they be Mentis Compotes: much less Contrary to such Advice and Consent upon such severe punishments as the nature of the fault ["fact" instead of "fault" in Roslyn copy.] may deserve, which Law nevertheless is not intended to discourage any from all Lawfull use of their skill but rather to encourage and direct them in the right use thereof, and to inhibit and restrain the presumptious arogancy of such as through Confidence of their own skill, or any sinister Respect, dare bouldly attempt to Exercise any violence upon or toward the body of young or old one or other, to the prejudice or hazard of the Life or Limb of man, woman, or child.

That the names of the Severall Courts to be held in each Riding three times in the year, shall be called the Court of Sessions.

And whereas there is great respect due, and by all persons ought to be given to Courts which so nearly represents his Majesties sacred Person, and that such order, gravity and decorum, which doth manifest the Authority of a Court, may be maintained. These rules and formes following are to be observed for beginning Continuing and proceeding in the said Court:

The Court of Sessions are to begin in the East Riding the first Tuesday in June; In the North the Second Tuesday and the third Tuesday following in the West Riding, They are to Continue the Sessions in each place three days, if need So require, but no longer, the second Court of Sessions shall be held the first Second and Third Wednesdays in December, The third Sessions are to be the first, Second and third wednesdays in March.

THE STILE OF THE COURT TO BEE ENTRED THUS.

At a Court of Sessions held at the day of by his Majesties Authority in the Seaventeenth year of the Raigne of our Sovereigne Lord Charles the Second by the grace

of God of Great Brittaine France and Ireland King; Defender of the Faith etc: And in the year of our Lord God 1664 present.

Insert the name of the Governoure. Silence Commanded Then let the Cryer or under Sheriffe make proclamation and Say O yes O yes O yes.

Silence is Commanded in the Court whilest his Majesties Governor Counsel and Justices are Sitting upon pain of Imprisonment.

After Silence is Commanded Lett the Cryer make Proclamation Saying; All manner of Persons that have any thing to do at this Court, draw near and give Attendance; and if any one have any Plaint to Enter, or Suit to procecute, Lett them come forth and they shall be heard.

When Silence is thus commanded, and Proclamation made upon Calling the Dockett, the Cryer shall Call for the Plaintiffe.

CALLING FOR THE PLAINTIFFE,

A. B; come forth and prosecute thye Action against C. D. or else thou wilt be non Suited. And the Plaintiffe putting in his Declaration, the Cryer shall Call for the Defendant.

CALLING FOR THE DEFENDANT,

C. D; come forth and save thee and thy Bayle, or else thou wilt forfeit thy Recognizance.

For proceeding in the said Court

WARRANT TO BE ISSUED BY THE CLARKE.

Whosever shall speak in Derogation of the Sentence or Judgment of any Court, shall be fined at the Discretion of the next Court of Sessions or Assizes.

CONSTABLES.

That the Constable shall whip or Punish any one to be punished by Order of Authority, where there is not any other Officer appointed to do it, in their own Towns, unless they can get an other person to do it.

That any and every Person tendred to any Constable of this Government, by any other Constable or other Officer belonging to any Jurisdiction within this Government, or by warrant from any Justice shall be presently received and Conveyed forthwith from Constable to Constable till they be brought to the place to which they were sent, or before some Justice of the peace who shall dispose of them as the Justice of the Cause shall require; All Hue & Cryes shall be duly received and diligently pursued to full effect And where no Justice of the

Peace is near, Every Constable shall have full power, to make Sign and put forth pursuites or Hue and Cryes after Murtherers Man Slayers Theves Robbers Burglurers and other Capitall Offenders, as also to Apprehend without warrant such as are overtaken with Drink, Swearing, Sabbath breaking, Vagrant persons or night walkers provided they be taken in the manner, either by the Sight of the Constable or by present information from others, As also to make search for all such Persons either on the Sabbath Day or other when there shall be Occasion in all Houses Licensed to sell either Beer or Wine or any other Suspected or disordered place and those to Apprehend and keep in Safe Custody till opportunity Serves to bring them before the Next Justice of the peace to further Examination, Provided that when any Constable is Employed by any Justice for apprehending of any person he shall not do it without a warrant in writing. And if any person shall refuse to Assist any Constable in the Execution of his Office in any of the things aforementioned being by him required thereto, They shall pay for neglect thereof ten Shillings to the use of the Town of which he is Constable To be Levyed by warrant from any Justice before whom such Offender shall be brought And if it appears by good Testimony that any shall wilfully or Contemptuously refuse or neglect to assist any Constable as is before expressed, he shall pay to the use aforesaid forty Shillings And that no man may plead Ignorance for such Neglect or Refusal, Every Constable shall have a Staff of about six foot long, with the Kings armes on it as a badge of his Office which Staff shall be provided at the charge of the Town. And if any Justice of peace Constable or any other, upon urgent Occasion shall refuse to do their best endeavours in raising and presecuting Hue and Cryes by foote and if need by Horse after such as have Committed Capital Crimes: They shall forfeit for every such offence to the use aforesaid forty Shillings The Constable and every two Overseers may take Bayle for any Person Arrested within their precincts if not in Execution or Committed by Special warrant.

That Every Constable within his Jurisdiction, shall on the penalty of five pounds Clear up his Accompts with the High Constable for all fines Amerciaments or what other publique money of the goods he shall receive, one whole month before the expiration of the year of his Office, And they and every of them are impowered to press Boats or Carts; for the [the words "better and" here occur in Roslyn copy.] more Speedy Sending in of what they have so Collected according to the time appointed, and if any Constable shall not have Collected the said

fines and Americaments Commited to his Charge by the High Constable; during the time of his Office that he shall notwithstanding the Expiration of his Office have power to Levy by distress all such fines Amerciaments and Levyes, and if he bring them not into the High Constable according to his warrant The high Constable shall distrayne such Constables Goods for the Same.

Constables shall be chosen in all Towns upon the first day of April, or Second, yearly, by the plurality of the votes ["voyces" instead of "votes" in Roslyn copy.] of the free holders in each Town; that is to say one of the four Overseers, in whose places new ones are chosen for the ensuing year, shall be chosen to Officiate as Constable within their Town, Whose name and person shall be presented by the Old Constable and Overseers to the next Sessions ensuing there to be Confirmed by the Justices of the peace by taking the oath appointed for Constables.

CONVEYANCES DEEDS AND WRITINGS.

That henceforth no Sale or alienation of Houses and Lands within this Government, shall be holden good in Law except the same be done by Deed in writing under hand and Seal and delivered and possession given upon part in the name of the whole by the Seller or his Attorney so authorized under hand and seale, Unlesse the said Deed be Acknowledged and Recorded according to Law.

That all Deeds and Conveyances of Houses and Lands within this Government wherein an Estate of Inheritance is to pass, it shall be expressed in these words: or to the Like effect (viz)' To have and to hold the said houses and Lands Respectively to the party or grantee, his heirs and Assigns forever, Or if it be an Estate Entailed, then to have and to hold, &c; to the party or grantee and to the Heirs of his body Lawfully begotten [the words "or the hires made of his Body lawfully begotten" here occur in the Roslyn copy.] between him and such an one his Wife; or to have and to hold to the Grantee for terme of Life, or for so many years, Provided that this Law shall not include former Deeds and Conveyances, but leave them in the same Condition as they were, or shall be in before this Law shall take effect; which shall be from the publication thereof, Provided also That this Law shall not extend to Houses or Lands given by will or Testament or to any Land granted or to be granted by the Inhabitants of a Town.

That no Conveyance, Deed or Promise, whatsoever shall be of Vallidity if it be obtained by illegal violence imprisonment threatenings or any kind of forcible Compultion called Dures.

All Covenants ["Covenous" instead of "Covenants" in Roslyn copy.] or fraudulent Alienations or Conveyances of

Lands Tenements or any hereditaments shall be of no force or validity to defeat any man from his due Debts or Legacies or from any just Tithe, Claime or possession of that which is so fraudulently Conveyed.

That after the time aforesaid no Mortgage, Bargain, Sale or Grant made of any Houses, Lands Rents or other Hereditaments where the Granter remains in possession shall be of force against other Persons Except the Granter and his heirs unless the Same be acknowledged before some Justice of the peace or Superior Officer in the Government and Recorded as is hereafter expressed. And that no Such Bargain, Sale or Grant already made in any way of Morgage where the Granter remains in possession shall be in force against others; but the granter or his Heirs except the same shall be entred as is here expressed (that is to say) within one Month after the date before mentioned if the party be within this Gouvernment or elsewhere within three Months after he shall returne, And if any such Granter shall refuse being required by the Grantee his Heirs or Assigns to make an acknowledgment of any grant, Sale, Bargain or Mortgage, by him made shall refuse so to do, It shall be in the power of any Justice of peace, to send for the party so refusing, and Commit him to prison without Bail or Mainprize, untill he shall Acknowledge the same, and the Grantee is to enter his Caution with the Clerk of the Court of Sessions and this shall save his Intrest in the mean time, And if it be doubtful whether it be the Deed or Grant of the party he shall be bound with Sureties, to the next Court of Sessions, and the Cautient shall remain good as aforesaid.

And for the Recording of all such Grants, Sales, and Mortgages, That every Clarke of every Court of Sessions shall enter all such Grants, Bargains, Sales, and Mortgages of Houses Lands, Rents and Hereditaments as aforesaid together with the estates of the Granter and Grantee; things and Estates granted, together with the Date thereof.

COUNCELL.

Any Person who shall be sworn of the Counsell to the Governour shall in any place within this Government have in all respects the Power of a Justice of Peace and in any Court of Sessions may sit as President.

CONDEMNED.

That no man Condemned to die, shall be put to death within four Days next after his Condemnation unless the Governour see Special Cause to the Contrary; or in Cause of Martial Law. And the Person Executed shall be buried near the Place of Execution.

DEFAMATION.

That no Action shall be admitted for defamation in any Court where the words are not Actionable & no words shall be Estemed, Actionable, but such as if true might have brought the person to Suffer punishment by Law, any other to be cast out of the Court, and the Plaintiffes to be nonsuited and because offences of this Nature may be Speedily Determined any Justice of the peace is hereby Authorised and impowered to hear and Determine them and likewise to bind the Persons so Offending to the good behaviour or if they find not good Security for the Same to commit them to prison till they find it.

DOWRYES.

If any Woman shall Causelessly absent herself from her Husband of which he shall make Complaint to the Court of Sessions If upon certain time given her by the Court, shee shall refuse to return, shee shall forfeit her Dowry unless the Husband shall afterwards upon a New Agreement Confirm the same.

FASTING DAYES AND DAYES OF THANKSGIVEING TO BE OBSERVED.

Whereas be an Act of Parliament the fifth Day of November is annually to be observed for the Great Deliverance from the Gunpowder Treason. And whereas by one other Act of Parliament The thirtyeth Day of January is annually to be observed with Fasting and Prayer in all his Majesties Dominions to shew a hearty and Serious Repentance and Detestation of that Barbarous Murther Committed upon the Person of our late King Charles the first, thereby to divert Gods heavy Judgment from falling upon the whole Nation, as also by an other Act of Parliament we are enjoyned thankfully to acknowledge the providence of God upon the Nine and Twentyeth Day of May for his Majesties Birth and Resturation to the Throne of his Royall Ancestors whereby Peace and unity is Established in all his Majesties Dominions, Every Minister within his Severall Parish is enjoyned to pray and Preach on these days and all other Persons are also enjoyned to abstain from their Ordinary Laboure and Calling According to the true intent of both the said Acts.

FEES OF JUSTICES OF PEACE.

	S	D.
For Nominating three Arbitrators when a Case under forty Shillings is brought to him by the Constable.....	7	6
For warrants of appearance to answer all sorts of Actions at the Court or binding over to the Sessions or the Assizes for the good behaviour or the peace.....	2	6

	S.	D.
Upon plaints of Debt or Damage	1	6
Upon Common Actions, as Slander or the like	1	0
Upon Subpoena for each Person	0	6

Nothing is to be paid for warrants in Criminall and Capitall Causes.

No Fees for doing his Office, as a Justice upon ye Bench.

The Justices Charges are to be bourne, both at Sessions and Assizes out of the fines and Amerciaments.

FEES OF PETTY CONSTABLES.

	S.	D.
For Collecting of the Assessments Amerciaments and fines and paying them into the high Constable per pound,	1	0
For Attachments, or Apprizements of Goods per pound,	0	2
For Assisting upon Common Action, the plaintiffe to pay his	1	6

No fees are to be paid for executing of Speciall warrants or apprehending Criminal or Capitall Offenders but are to be done ex officio.

FEES FOR THE HIGH CONSTABLE AND UNDER SHERIFFE.

	S.	D.
For receiving the Assessments Amerciaments & fines from the petty Constable and paying them into the Sheriffe per pound	0	6
For every Judgment in Court or Verdict	1	0
For the Summoning and Empannelling a Jury	0	4

FEES OF SHERIFFE.

	S.	D.
The Sheriff shall have of the Plaintiffe upon all Arrests whether by Bill Writt or warrant	1	8
Vpon every Execution that shall be served if under one Hundred pounds for each pound	1	0
For what shall be above one Hundred pounds for each pound	0	6
For receiving the Assessments Amerciaments and fines from the high Constable & paying them into the Treasury per pound	0	6
For going into Prison	1	6
For whipping	2	6
For pillory	2	6

	S.	D.
For a warrant of attachment	1	0
For the Sheriffs warrant to Summon and Empannell a Jury for each Cause	1	6

And for other trouble not here exprest, other reasonable fees shall be allowed by the Court.

FOR FEES OF YE CLARKE OF THE COURT OF SESSIONS WHO IS ALSO CLARKE OF THE WRITTS.

	S.	D.
For entering every Action for Tryall	2	6
For entering and recording a bargain and Sale of Lands or Houses Inventoryes or Conveyances if under 24 linnes,	2	6
["ffor every 12 Lines more, 0s. 6d." here occurs in Roslyn copy.]		
For entering a will or Administration for himself if under 24 lynnes	1	6
If above for every 12 lynnes more	0	6
For the fees of the Office of Record for which he is to be Accomptable theire	2	6
For entering a Judgment of Court	3	0
For entering an execution	1	6
For Entering an Order of the Court	1	0
For the Coppy	1	0
For Entering an Attachment	1	6
For Entering A Deposition	1	0
["ffor the copy of a Deposition, 1s. 0d." here occurs in Roslyn copy.]		
For Entering A Petition	0	6
For Entering A Certificate	1	0
For the Entring and Recording of any other business (orphants excepted) for the first and Second pages	2	6
For every page more	0	6
For licenses to Innkeepers and Victuallers	2	6

THE FEES OF THE CLARKE OF ASSIZES.

That all charges of Officers or Attendants upon Causes at the Assizes shall be double to these of the Sessions and to be levied in the same manner.

If any thing shall be done by the Clark of the Assizes or the Clark of the writs of either Court; more than is here expressed, the Justices are to Adjudge them a Farther fee, either at the Sessions or Assizes According to his merritt for greater pains taken.

FEES FOR THE COURT.

	S.	D.
For returning Appeals to the Assizes with all the Circumstances whereof the Court of Sessions hath taken cognizance towards the defraying of Court Charges.....	6	8
For the Coppy of an Appeal and Causes.....	2	6

FEES FOR THE CRYER OF THE COURT.

	S.	D.
For Calling the Jury for each Cause.....	1	0
For swearing every witness.....	0	4
For A non Suit	1	0
For non appearance of witnesses upon Subpeana.....	0	4
For every verdict	0	4

FEES OF THE MARSHALL.

	S.	D.
For receiving into ward.....	1	0

It is to be the Marshalls care to provide a convenient Room or place for the Jury to retire into.

	S.	D.
For every verdict brought in while the Court sits....	0	6
If the Jury Stay together all Night before delivery of the Verdict	2	6

The Marshall is to receive no Prisoner but such as are Committed by warrant, excepting only in such present Occasions, where a warrant cannot duly be obtained Provided that he shall not refuse any Prisoner brought to him by any known Officer, the said Officer obliging himself to deliver in a warrant to the Marshall for his so doing within twenty four hours.

The ordinary Rate and Allowance for the dyett of every Prisoner to the Marshall, shall be p diem eight pence and he shall demand no more Provided always that any Prisoner for his better accommodation either for Lodging or Dyett; may agree with the Marshall upon a further Price.

FORNICATION.

If any Person commit Fornication with any Single woman they shall both be punished by enjoyning Marriage, fine or Corporal punishment, or any of those According to the discretion of the Court.

FORGERY.

If any Person shall forge any Deed or Conveyance, testament, Bond, Bill, Release, Acquittance, Letter of Attorney, or any writing to prevent Equity & Justice they shall stand

in the Pillory three Severall Courts Days and render double damages to the party wronged and also be disable to give any Evidence or verdict to any Court or Magistrate.

FIRE OR BURNINGS.

If any Person or Persons whatsoever shall set on fire any dwelling House Church or store houses or to that purpose shall set on fire any Out House, Barne, Stable Stack of Hay, Corne or wood, or such like Combustible matter, Maliciously and willingly, He shall be Commited to Prison, there to remain without Bayle till the next Sessions, where if convinced by proofe or Confession of the Crime he shall [In the Roslyn copy the words "remayne in" here occur, and the words following down to the word "prison" are omitted.] be Commited to prison there to remain without Bayle till the Next Sessions where if convicted by Proofe or Confession of the Crime, he shall remain in Prison till the next Assizes, there to receive Judgment to Death, or full Satisfaction out of his Lands Goods, or Chattells to the party or parties damnified according to the good Discretion of the Bench.

If any Person whatsoever shall kindle any fire in the woods or Grounds lying in Common, or in his own Grounds so as the same shall runne into any Corne Grounds or Enclosures of his Neighboures, he shall be Lyable to pay all Damage; of whatsoever Sort, and half so much more for a fine; or if not able to pay the Court shall Adjudge the Person guilty of Corporal punishment not exceeding twenty Stripes, or do Service to Expiate the Crime.

FUGITIVES.

Every Apprentice and Servant that shall depart or absent themselves from their Master or Dame without leave first obtained shall be Adjudged by the Court to double the time of such their absence by future Service over and above other Damage and Cost which the Master or Dame shall Sustain by such unlawful departure and whosoever shall be proved to have Transported, or to have Contrived the Transportation of any such Apprentice or Servant shall forfeit twenty pounds to the Master or Dame and be fined five pounds to the Court, and every Inhabitant that shall harbour or entertain any such Apprentice or Servant, knowing that he had absented himself from his Service, upon due proof thereof shall forfeit to the Master or Dame ten shillings for every Days entertainment or Concealment.

If any Master of Shippe or vessel shall Transport or carry away any freeman whether Merchant or householder that is, or shall be Indebted here, without Pass or Licence he shall be

lyable to satisfy the Debts of the person so Transported, unless the same be otherwayes Satisfied or that such Merchant or Householder do return again into this Government, and Appears to Answer in Court within the space of Six Months after such absence.

HORSES AND MARES.

That every Town within this Government, shall have a marking Iron or flesh Brand for themselves in particular to distinguish the Horses of one Town from another, besides which, every Owner is to have, and Mark his Horse or Horses with his owne Particular flesh Brand having some distinguishing mark, that one mans Horses may be known from anothers.

And that in every Town there be an Officer Appointed by the Constable and Overseers to record every Mans particular mark and to see each particular Mans Horse Mare and Colt Branded; and to take notice and Record the age of each of them as near as he can, with the Colour and all observable marks whether naturall or Artificial and what Artificial marks it had before the Branding whether on the Eare or Else where with the year and day of the Month when Branded And in Each Town the Officer for his Care and pains to have Six pence of the owner of each Horse, Mare and Colt so Branded and Recorded, And that Every one who hath any Horse or Horses of what Age or kind soever, do duely observe this Order at his perill.

And when any Horse Mare or Colt is to be Sould to any other Town, the Purchasers shall Cause the Town mark of the place where he Inhabits, besides his owne particular mark to be sett on, or over the mark of the Town from which he bought them.

The Officer also is to require as Satisfying Evidence of his Right who presents any Such Horse Mare or Colt as may be had; Or to Record any defect of due Evidence that a way may be open to other Claimes.

No Maares Shall be Transported out of this Government either to Barbados, Virginia or any other remote or forraine Plantations without Special Licence under the penalty of the forfeiture of the Maare, or Maares So Shippt for Transportation.

To prevent the frequent abuse of Selling and killing other Mens Horses or Cattle, whereby the true owner Seldome or never know what is become of their Horses or Cattle No man of what quality soever he be shall Sell Truck or give away any Horse or Mare, Cow, Oxe, or Bull not markt as else where directed unto any other person whatsoever, under the penalty of five pounds to be paid by him that Sells, and also five pounds for him that Buyes; which Horse, Mare, Cow, Oxe, or Bull though markt, shall be Regestered in the Town where the prop-

erty is Changed, within twenty four houres, with the name of the Persons and places of their Habitation, under the penalty of ten pounds to be paid by each party concerned therein as Buyer or Seller.

Neither shall it be Lawful for any man to kill any Cow Ox or Bull, or Such like Cattle, either for Sale or for his private use, before he give Notice thereof, to the person appointed for that Town to Register such matter and a due entry be made thereof; with the Name of the Owner the mark of the Cattle, under the penalty of forfeiting the whole Cow Oxe or Bull, & so found the one half thereof to the informer, the Other half to the Constable and Overseers.

IMPRESSES.

That in all Publique workes for the safety and defence of the Gouvernment or the Necessary conveniences of Bridges Highways and Common passages, the Governour or deputy Governour and Councell shall send warrants to any Justices and the Justices to the Constable of the next Town or any other Towne within that Jurisdiction, to send so many Labourers and Artificers as the warrant shall direct, which the Constable and two others or more of the Overseers which the Constable shall choose shall forthwith Execute, and the Constable and Overseers shall have power, to give such wages as they shall Judge the work to deserve, provided that no Ordinary Labourer shall be compelled to work from home above one week together No man shall be compelled to any publique work or service unless the Presse be grounded upon some known Law of this Government, or an Act of the Governour and Councell Signifying the necessity thereof, In both which Cases a reasonable Allowance shall be made, Nor shall any man be Compelled in Person to any Office, work, warres or other publique service that is necessarily and Sufficiently exempted by want of years greatness of years defect in mind, failing of senses or Impotency of Limbes, or by the Quality of the office which is else where exprest.

No man shall be compelled to go out of this Jurisdiction upon any Offencive warrs, but only upon such vindicative and defensive wars as in our own behalf or in the behalf of our Nation, against a Common Enemie shall be enterprized by the Governour with the Advice of the Councell or by Authority Derived from the same Neither shall any mans Cattle or Goods of what kind soever; be pressed or taken for any such publique use or Service, Unless it be by warrant grounded as aforesaid nor without such reasonable satisfaction as the ordinary rates

of the Country doth afford and in case either Cattle or goods shall perish or be damaged in such Service the owner shall be recompenced.

INNKEEPER & ORDINARYES.

No Person or Persons shall at any time under any pretence or Colour whatsoever undertake to be a Common Victuler keeper of A Cooke shopp, or House of Common entertainment, or publique Seller of wine Beare, Ale or strong waters by retail or a less quantity than a quarter Caske, without a Certificate of his good behaviour from the Constable and two Overseers at least of the parish wherein he dwells and a Lycence first obtained under the hand of two Justices of the peace in the Sessions upon pain of forfeiting five pounds for every such offence, or Imprisonment at the discretion of the Court.

Every Person so licensed for Common entertainment shall have some Ordinary signe obvious for direction of strangers, within three Months after the Licence granted under the penalty of twenty Shillings.

Every Person Licensed to keep an Ordinary shall always be provided of strong and wholesome Beer, of four bushels of malt, at the least to a Hoggshead which he shall not Sell at above two pence the quart under the penalty of twenty Shillings, for the first Offence, forty shillings for the Second, and loss of his Licence, It is permitted to any to Sell Beer out of Doores at a penny the Ale quart or under.

No licensed Person shall suffer any to Drink excessively or at unseasonable hours after Nine of the Clock at night in or about any their houses upon penalty of two shillings six pence for every Offence if Complaint and proofe be made thereof.

If any quarrel or disorder doth arise from intemperate persons within their house, the Person so licensed for not immediately Signifying the same to the Constable, or one Overseer at the Least, who are Authorized to cause the peace to be kept, shall for every such neglect forfeit Tenne Shillings and every person found Drunk in or about any of their houses shall forfeit two shillings Six pence, And for being the Author or accessary of the breach of the Peace and disorder or for Tipling at unseasonable hours shall forfeit ten Shillings and for want of payment or in case they be Servants and neglect their Masters occations They shall be sent to the Stocks one hour at the least, It shall be lawfull notwithstanding for all Licenced Persons to Entertain Land Travellers or Seafareing men in the night season when they Come on shore or from their Journey for theire necessary refreshment or toward theire preparation for

theire Voyage or Journey, And also all Strangers, Lodgers or other Persons may freely Continue in such Houses, when theire Lawfull Occations and business doth require, Provided there be no disorder amongst them.

Every Person so Licenced for the Entertainment of strangers with their Horses, shall provide one or more Enclosure for Summer Hay and Provender for winter with convenient stable roome, And attendance; upon Penalty of two Shillings Sixpence for every days default, and double Damage to the party thereby wronged.

No Licenced Person shall unreasonably exact upon his Guest for any sort of entertainment, and no man shall be compelled to pay above eight pence a Meale, with small Beer only unless the Guest shall make other agreement with the person so lycenced.

No Licence shall be granted by any two Justices in Sessions for above the terme of one year, but every person so Licenced before the expiration of the said Terme shall and are hereby enjoyned to repair to the sessions of that Jurisdiction for renewing their Several Licenses for which they shall pay to the Clarke of the Sessions two Shillings Six pence, or else they shall forfeit five pounds as unlicenced persons.

All Offences committed against this law, shall be determined by the Constable with two or more of the Overseers, who are impowered to Collect and receive the Severall fines or distrayne in Case of non-payment rendring accompt thereof as is else where required.

INDIANS.

No Purchase of lands from Indians After the first day of March, 1664, shall be Esteemed a good Title without leave first had and obtained from the Governour and after leave so obtained, The Purchasers shall bring the Sachem and right owner of such Lands before the Governoure to acknowledge satisfaction and payment for the said Lands whereupon they shall have a grant from the Governoure And the Purchase so made and prosecuted is to be entered upon record in the Office & from that time to be valid to all intents and purposes.

All injuryes done to the Indians of what nature whatsoever shall upon their Complaint and proofe thereof in any Court have speedy redress gratis, against any Christian in as full and Ample manner, (with reasonable allowance for damage), as if the Case had been betwixt Christian & Christian.

No person shall sell, give or Barter directly or indirectly any Gun or Guns, Powder, Bullet, shott, Lead nor any Vessel of Burthen, or Row Boate Canooes only excepted Without Licence first had and obtained under the Governours hand and Seal, to

any Indian whatsoever, nor to any person Inhabiting out of this Goverment, nor shall amend or repair any Gun belonging to any Indian, nor shall Sell any armour or weapons, upon penalty of ten pounds for every Gun, Armour, weapon, Vessell, or Boat, so Sould given or Bartered, five pounds for every pound of powder, and forty Shillings for every pound of Shott or Lead and proportionably for any greater or lesser quantity.

No Person Shall from and after the first day of September 1665 Directly or Indirectly Trade with the Indians for any sort of furrs without Licence first had from the Governoure which Licence is to be renewed every year at the Governours pleasure, or remained if he shall find just Exception.

No Person whatsoever from henceforth shall Sell, Truck, Barter, give or deliver any Strong Liquores to any Indian directly or indirectly, whatsoever known by the name of Rum, Strong waters, Wine Brandy Spirrits or any other Strong Liquore under any other Name whatsoever; Under the Penalty of forty Shillings for one pint and Soo proportionately for greater or lesser quantities so Sould, Bartered, given or delivered as aforesaid, One third part of this penalty to be to the informer, Provided always that it is and shall be Lawfull by way of reliefe and Charity to any Indian in Case of sudden extremity sickness faintness or weariness to sell or give to such Indian or Indians the quantity of two drames and no more of any such Strong Liquors as are aforementioned Provided also that the Governoure by Licence may Authorize any person or persons to sell any or all Such Strong Liquores to Indians upon Security taken from the person Licenced for his or theire good behaviour.

In all Places within this Goverment the English and all others shall keep their Cattle from destroying the Indians Corne in any ground where they have right to plant and if any of theire Corne be destroyed for want of fencing the Towne shall make Satisfaction, and shall have power amongst themselves to lay the Charge where the Occation of the Damage did arise.

Provided that the Indians shall make proofe the Cattle of such a Town farme or Person did the Damage And for the Indians Encouragement towards the fencing in theire Corn fields, such Townes farmers or Persons where Cattle may annoy them that way shall Direct, Assist and help them in felling of trees riving and Sharpening Rayles and holing of Poasts; allowing one English man to three or more Indians and shall also draw the fencing into place for them, and allow one man a day or two towards the setting up of the same, And either sell or lend them Tooles to finish it Provided that such Indians shall

fence their Cornefields or Ground att their own Charge, And if any Indians shall refuse to fence their Corne Grounds (being tendred help as aforesaid,) in the presents and hearing of Sufficient witnesses They shall keep of all Cattle or loose their Damage.

And if any harme be done at any time by the Indians unto the English in theire Cattle, The Gouvernour or Deputy Governour with two of the Councell, or any Court of Sessions or Assises may order Satisfaction according to Law and Justice.

No Indian whatsoever shall at any time be Suffered to Powaw or performe outward worship to the Devil in any Towne within this Goverment.

JURORS AND JURYES.

That the Clarke of the Sessions sh all in Convenient time before the Sitting of the Court give a Certificate to the Sheriffe or under Sheriff of what and how many Causes are entered for their hearing the next Sessions to the end the Sheriff or under Sheriff may (and are hereby required) Immediately to Issue forth warrants to the Constable of the Severall Townes of the Jurisdiction of the Court or Jurymen proportionable to the Causes with regard to the equality of the number from each Town and according to the warrant The Constable shall warn so many of the Overseers to attend as Jurymen and return their names to the under Sheriff, And if such Number of Jury men so required, prove not Sufficient for Carrying on the business with dispatch to the Sessions The Justices may require the Sheriffe or under Sheriffe, to Supply their number with so many able and discreet men as shall either attend the Court upon other occations, or shall happen to be Inhabitants of the Towne where the Court shall be held.

All Juryes so Chosen shall be Empanelled and Sworn truly to try between party and party and shall find the matter of fact, with the Damages and Costs according to the Evidence; where upon the Justices in the absence of other Superior Officers, shall pronounce the sentence directing the Jury in point of Law, and if there bee matter of apparent equity upon the forfeiture of an Obligation, breach of Covenant without damage or the like, the Bench shall determine such matters of equity.

Every Juryman shall be allowed three Shillings Six pence per Diem for the Charges of their Attendance out of the fees and profits arising in each Court where they do Service, or by the Country if those fall Short.

No Jury shall exceed the number of Seaven nor be under Six unless in Special Causes upon Life and Death, The Justices shall thinke fitt to Appoint twelve.

In all Cases wherein the Law is obscure, so as the Jury cannot be Satisfied therein. They have Liberty to present a special verdict (viz) If the Law be so in such a point, We find for the Plaintiffe but if the Law be otherwise, We find for the Defendant, In which Case the determination doth properly belong to the Court, And all Juryes shall have liberty in matter of fact, if they cannot finde the maine Issue, yet to find and present in their verdict so much as they Can.

Whensoever any Jury or Jurores are not Clear in their Judgements concerning any Case, they shall have liberty to open Court (but not otherwise) to advice with any particular man upon the Bench, or any other whom they shall think fitt to Resolve and direct them before they give in their verdict.

The Verdict shall bee given in by ye foreman of ye Jury.

A Verdict shall be so esteemed, when the Major part of the Jury is agreed, and the Minor shall be concluded by the Major without allowance of any protest by any of them to the Contrary; Except in Case of Life and Death where the whole Jury is to be unanimous in their Verdict.

The Bench is briefly to sume up the Evidence by way of Information to the jury.

To be Father, Brother, Uncle, Nephew or Cousen German to the party or Parties Concerned, shall be a Lawful Exemption against a Jurore before he be Sworn & not after.

Any one that shall presume to reveale the dissenting votes of a Jury or Arbritration, shall forfeit ten Shillings for the first offences and for farther breach of this Law The next Court of Sessions, or Assizes shall impose a greater fine on the Offender according to the Meritts of the Cause.

JUSTICE OF PEACE.

The Justices of the Peace or Sheriffe or either of them shall have Power to Issue out writts or warrants according to the nature of the Plaint.

The Warrants of any Justice of the Peace, shall be of force and is to be Executed by any inferiour Officer in any of the Ridings, as fully and Effectually, as if the Justice were an Inhabitant within that Riding, Provided always that the Plaintiffe, or Cause of Plaint do arise within the Riding where the Justice doth dwell. The like rule is to be observed in Hue and Cryes.

The eldest Justice of Peace in the absence of the Governor Deputy Governoure or Some one of the Councell shall pronounce the Decrees or Sentence of the Court, Except in Case of Natural

Imperfections, or agreement amongst the Justices themselves, it be otherwise determined to any other Person of them, In neither of which Cases the Justice shall Refuse to do his Office, or Enter his desent to the prejudice of the Court.

Any Justice of the Peace, may if he please, or see cause for it Preside as Cheife in any of the Towne Meetings within the Jurisdiction where he dwells.

LANDS.

All Lands and heritages within this Goverment shall be free from all fines and Licences, upon Alienation and from all Heriotts, Wardships Liveryes Primier Seizins year day and wast, Escheats, and forfeitures upon the Death of Parents or Auncestors Natural, unnatural, Casuall, or judiciall, and that for ever (Cases of high treason only Excepted.)

To the end all former Purchasers may be ascertained to the present possessor or right owner They shall bring in their former Grants, and take out new pattents for the same from the present Governoure in the behalfe of his Royall Highness the Duke of Yorke.

All Purchaseres of implanted Lands shall of their Cost and Charge, Cause a Survey and Draught thereof to be made within one yeare after such Purchases and deliver the Same into the Office of Records, whereby the bounds and Limits thereof may bee justly distinguished, and if the purchasors shall not within three years after the Survey plant Seat or Inhabit upon the said purchasse they shall forfeit their Right, Title, and Interest therein.

Every Purchasor in acknowledgment of the propriety of such Lands belonging to his Royal Highness James Duke of Yorke, shall upon Sealing of the Pattent Pay unto the Governoure So much as they shall agree upon; Not exceeding for every hundred Acres.

And upon the Seating of a Towne two Towne Lotts shall be reserved by the Purchaser to the use of the Gouvernoure (Gratis) to dispose of to such as he shall thinke fitt.

LAWES.

In regard it is almost impossible to provide Sufficient Lawes in all Cases, or proper Punishments for all Crimes the Court of Sessions shall not take further Cognizance of any Case or Crimes, whereof there is not provition made in some Lawes but to remit the Case or Crime, with the Due Examination and proof to the Next Court of Assizes where matters of Equity

shall be decided, or Punishment awarded according to the discretion of the Bench and not Contrary to the known Lawes of England.

LYING AND FALSE NEWES.

Every Person of age of discretion which shall be reputed of fourteen years or upwards, who shall wittingly and willingly forge or Publish false newes whereof no Certain Auther nor Authentique letter out of any part of Europe can be produced, whereby the minds of People are frequently disquieted or exasperated in relation to publique Affairs, or particular Persons injuried in their good names and Credits by such Common deceites and abuses Upon due proofe made by Sufficient witnesses before the Governour or any Court of Sessions the Person so offending in ordinary Cases shall for the first offence be fined ten shillings, for the second offence twenty shillings and for the third offence forty Shillings and if the party be unable to pay the same he shall be Sett in the Stocks so longe, or publiquely whipt with so many stripes as the Governor or any Court of Sessions shall think fitt not exceeding forty stripes; or four houres Sitting in the Stocks, and for the fourth offence he shall be bound to his good behaviour, paying Cost or Service to the Informer and witnesses, such as shall be judged reasonable sattisfaction, But in Cases of high nature and publique Concernes, the fine or punishment, shall be increast according to the discretion of the Governor and Council onely.

MARRIAGES.

Whereas by the Law of England no Marriage is Lawfully Consummated without a Minister whose office it is to join the parties in Matrimony after the Banes thrice published in the Church or a Lycence first had and obtained from some person thereunto Authorized, All which formality cannot be duly practiced in these parts.

Yet to the end that a decent rule therein may be preserved It is Ordained that from henceforth the names and surnames of each Party who sue for Marriage, shall be Publiquely read in their Parish Church or place of usuall Meeting, where they both then Inhabit three severall Lords days successively.

And where no Church or Meeting place shall happen to bee, a publication in writing shall be first fourteen Days before Marriage upon three doors of each parish whereof the partyes Inhabit (vizt) one on the Constables the other two upon any two Doors of the Overseers of the Parrish Unless they produce a Lycence from the Governour in both which Cases, and not

otherwise, it shall be Lawfull for any Minister or for any Justice of Peace to joyne the Parties in Marriage, Provided that the said Partyes do purge themselves by Oath before the Minister or Justice that they are not under the Bonds of Matrimony to any other Person Living, and if it shall be after proved, that either both of the Parties are perjured, and thereby attained a Double Marriage for the said perjury the party or parties offending shall bee boared through the tongue with a red hot Iron and moreover proceeded against as in Case of Adultery is provided; But if either Party be approved Innocent as to him or her Self and Ignorant of the others wicked fraud the innocent Person shall recover damage against the nocent; and be sett at Liberty as if no such Marriage had been made.

No man shall harbour, conceal or detain Contrary to the concent of the Husband any Married woman, upon penalty of five Shillings for every hour that such Married woman remains under his Roof; after demand made by her Husband at the Dwelling house where his wife is harboured concealed or detained.

Provided always that any woman flying from the barbarous Cruelty of Her Husband to the House of the Constable or one of the Overseers of the same Parish; may be protected by them in the manner as is Directed for Servants in such Cases and not otherwise.

IN WHAT CASES IT SHALL NOT BEE PUNISHABLE TO RE MARRY.

If either the man or woman shall be Convicted to have falsified their Oath to the Justices of Peace or Minister the other is free to Marry.

If Sufficient Certificates be brought from any forraigne parts agreeing with allowable Circumstances that the man or the woman are dead, the time, place, and manner specified under the hand and Seal of some Creditable person and known Magistrate the other is free.

If either the man or woman Travelling by sea or Land into any forraign Parts, which voyage by Common computation may be perfected in one years time or Less or in few days, of whom no Certain knowledge or news shall be had within five years after his or her departure nor of any that accompanyed him or her in the voyage it may be justly presumed such Person is Dead, and after the expiration of five Compleat years the other is free to Marry.

Provided always that if either the man or the woman shall at any time after the Expiration of five years Returne and bring full

Testimony that hee or shee have divers wayes endeavoured by writings or Messages to make known to his wife, or her Husband, that Shee or hee were then living, or that they were by Imprisonment or Bond Slavery with the Turks or other Heathen, Lawfully hindered from giving such information It shall and may be lawfull for the said man or woman to Challenge his or her premarriage, and obtain an order for their Cohabiting as formerly, but if neither shall sue for such an order, They may by mutuall agreement Enter a Release to each other in the office of Records, and both remain free from their former obligations The father onely of the Children as are begotten in Lawfull Marriage is to provide for such Children as shall be adjudged in the Court of Assizes only.

If any man shall hereafter presume to Marry contrary to these Lawes prescribed the Person offending shall be proceeded against as for Adultery or fornication according to Evidence the Children so begotten shall be Reputed Bastards, And the Parents Suffer such paines and penalties by fines or Punishment as they have deserved.

If any Justice of Peace or Minister shall presume to Marry any Daughter, Maid or Servant; without the known Consent of the Parents (if any be living) or the known Consent of the Master or Dame of the Servant, or any other Person who have not been thrice asked in the Church or usuall meeting place or otherwise Legally published, or without a special Licence for his so doing, under the hand and Seal of the Governour, The Justice or Minister shall forfeit twenty pounds, and be put out of his office.

MASTERS SERVANTS AND LABOURER.

No Servant either Male or Female shall either give, sell or Truck any Commodity whatsoever, dureing the time of theire Service, under the penalty of fine or Corporal punishment, by warrant under the hands of two Justices of the Peace as the Offence shall meritt, And whatsoever Person shall either Buy, receive or Truck with any such Servant Contrary to this Law they shall be compelled to restore the said Commodityes to the Master of such Servants or Servant, and forfeit the double value thereof to the poor of the Parrish where they shall Inhabit.

All Labourers and Servants shall work in their Callings being thereunto required, the whole day, the Master or Dame allowing them convenient time for food and rest.

If any servant shall run away from their Master or Dame or any other Inhabitants shall privily convey them away or upon Suspicion of such their evil Intentions Every Justice of the Peace or any Constable with two Overseers where no Justice is

at hand Have power to press Men, Horses, Boats, or Pinnaces, at the Publique Charge, to pursue such Persons, both by Sea and Land and to bring them back by force of Armes, to Clear themselves of such Crimes or Suspition thereof.

No man shall refuse for Service or worke done, his Payment in Corne at the usual Rate, Provided that the Corne be Merchantable, Provided also that no Speciall agreement was before hand made for any perticuler payment if so then to be paid in the same Specie agreed upon or Consideration for default thereof by Arbutration.

If any Masters or Dames shall Tyrannically and Cruelly abuse their Servants, upon Complaint made by the Servant to the Constable and Overseers, they shall take Speedy redress therein, by Admonishing the Master or Dame not to provoke their Servants, And upon the Servants Second Complaint, of the like usage It shall be Lawful for the Constable and Overseers to protect and Sustaine such Servants in their Houses till due Order be taken for their Reliefe in the ensuing Sessions Provided that due Notice thereof be Speedily given to Such Masters or Dames, and the Cause why such Servants are Protected and Sustained, and in Case any Master or Dame by such Tyranny and Cruelty, and not Casually, shall smite out the Eye or Tooth of any such man or Maid Servant, or shall otherwise Maime or disfigure them such Servants after due proof made shall be sett free from théir Service, And have a further allowance and recompence as the Court of Sessions shall judge meet.

But in Case any Servant or Servants shall causelessly Complain against their Master or Dame If they cannot make proofe of a just occation for such Complaints such Servants shall by the Justices of the Court of Sessions be enjoyned to serve three Months time extraordinary (Gratis) for every such undue Complaint.

No Servant, except such are duly so for life, shall be Assigned over to other Masters or Dames by themselves their Executors or Administrators for above the Space of one year, unless for good reasons offered; the Court of Sessions shall otherwise think fitt to order, In such Case the Assignment shall stand good Otherwise to be void in Law.

All Servants who have served Diligently; and faithfully to the benefit of their Masters or Dames five or Seaven yeares, shall not be Sent empty away, and if any have proved unfaithful or negligent in their Service, notwithstanding the good usage of their Masters, They shall not be dismist, till they have made satisfaction according to the Judgment of the Constable and Overseers of the parrish where they dwell.

MILITARY AFFAIRES.

For as much as the good Management of the Militia is the Support of all Goverments in Peace and Safety, to which all Persons of what quality soever are obliged in duty & Conscience in their proportions to be Aiding and Assisting to this good end these following Lawes are to be observed.

1 First, that every Male Person above the age of sixteen years Except, Justices, [The word "high" here occurs in Roslyn copy.] Sheriffes, high Constables and under Sherriffe Petty Constable Ministers and professed Schoolmasters, Physicians and Chirurgeons, allowed of by two Justices, Clarkes of Assizes or Sessions Publique Notaries, Masters of Shipps or vessels above Twenty Tunns Constant heardsmen or such as have bodily Infirmity or old age shall be excused by the Justices in any Sessions, as also one servant of each Justice or high Sheriff shall duely attend all Military Exercises and Service as Trayning watching and warding, when they are thereunto required and warned by their Officers under the penalty of five shillings for every Dayes default.

2 Every Town shall be provided of a Sufficient ware ["ware" is "watch" in Roslyn copy.] house and a Safe convenient place thereunto Adjoyning for keeping Powder and Ammunition; under the penalty of ten Pounds and the Constable and Overseers shall provide and maintain for a General Stock to the use of the Town in Case of necessity, one Barrell of good Pouder, English weight one hundred and fifty Pounds of Muskett or Pistell Bullets Thirty Pounds of good Match; which they shall carefully renew from yeare to yeare, ["yeare to yeare" is "tyme to tyme" in Roslyn copy.] or time to time as shall be needful under the Penalty of five pounds, for The want of such proportions of Bullets, Pouder, or Match as beforementioned; And where there are Artillery forts or Batteryes in any Town, The Constable and Overseers shall Mount such Guns, and fitt them with Appurtenances for Service, and the Constable and Overseers are hereby authorized to Assess Levy or destrain upon the Inhabitants for building providing doing and maintaining the particulars before recited.

3 Besides the Generall stock of each Town Every Male within this Government from Sixteen to Sixty years of age, or not freed by public Allowance, shall if freeholders at their own, if sons or Servants at their Parents and Masters Charge and Cost, be furnished from time to time and so Continue well furnished with Armes and other Suitable provition hereafter mentioned: under the penalty of five Shillings for the least default therein Namely a good Serviceable Gun, allowed Sufficient by his Mili-

tary Officer to be kept in Constant fitness for present Service, with a good sword bandeleers or horne or worme a Scowerer a priming wire Shott Badge and Charger one pound of good powder, four pounds of Pistol bullets or twenty four bullets fitted to the gunne, four fathom of Serviceable Match for match lock gunn four good flints fitted for a fire lock gunn, And all Captains or Military, Officers are hereby required to give in or send an Accompt yearly, to the Governour and Councell how the Inhabitants are firnished and provided, That due Supply may be ordered.

4 That the Constable and Overseers shall in behalf of their Town present to the Governour three names of the most fitt persons in their Towne to be Captaine Lieutenant and Ensigne to whome the Governour shall Issue forth Commissions accordingly, unlesse hee have Sufficient Exceptions against either of them In which case the Constable and Overseers, shall proceed to a new Election, which is to bee by the plurality of voyces of the Soldiers.

5 No man Elected into any Military Office, shall refuse to accept thereof, or discharge his trust therein under the penalty of five pounds whereof one half to be paid to the Governour and the other halfe to him that is chosen in his place, and accepts thereof.

6 The Captaine or Chiefe Military Officer in each Towne is impoured once in three Months at least every yeare or oftner if they see good, to take a Strickt view, how every man is furnished with Armes and Ammunition according to Law and where any are found faulty They are required to make presentments thereof to the Constable and Overseers of the said Towne, That the fines and penalties may by them from tyme to tyme be duely Levied, and if this view of Armes and Ammunition, shall at any time be neglected or the defects not duly presented, The Captaine or Chiefe Military Officer shall pay forty Shillings for his Neglect, which fine shall be Levied by the Constable and applyed to the maintenance of the Publique Stock of the Towne.

7 All fines for the Neglect of Townes or Captains and Chief Oficers in Military affairs, shall be imposed by the Court of Sessions only and not otherwise, but for the neglect of particular persons by the Constable and Overseers.

8 Every Town within this Government shall have every year four Days of Trayning amongst themselves and theire shall be also in each Ryding once in the yeare a General Trayning of all the Townes within that Jurisdiction which may take up three dayes time, the one in Coming to the place appointed, the next for the Trayning, and the third for every one to Returne to theire Habitations.

8 There shall be likewise once in two years a General Trayning for all Souldiers within this Government, The time and place to be at the Nomination of the Governor.

In the Severall Traynings All Males above sixteen Years of age who are not freed from that Service, are to be taught and Instructed in the Comely handling and ready use of their Armes, in all postures of Warre to understand and attend all words of Command, And further To fitt all Such as are or shall be in Some measure instructed for all Military Service, against there be occation under the penalty of forty Shillings to be Leveyed upon the Military Officers, as upon Examination they shall be found more or less faulty and with respect to their place the greater trust paying the Greatest fine for neglect And the dayes to be appointed for private and Generall Traynings shall be at the most Convenient times of the Year for Traynings, but not within fourteen dayes one of another, Moreover every such Trayning Day the Major Generall or Chief Military Officer present shall cause the names of all the Souldiers to be read in the forenoone and in the afternoone also if hee see Cause And Whosoever in any Trayning day shall be totally absent, shall pay five Shillings for every such default, whoever shall at any time of the day withdraw himself from the Service without leave from the Chiefe Military Officer present hee shall pay either as for total absence, or a greater or less fine as the Offence considered in all Circumstances may require And whosoever shall come late, shall pay for each such default one Shilling & for any other disorderly offencive Cariage according to the Nature and measure of it Nor shall any Town suffer their Inhabitants to Neglect or grow Slight in a service of such importance And what fines shall be levyed by virtue of any neglect or Misdemeanor at the General Trayning of such Jurisdiction The Major General shall have the one third and the other Officers two thirds. [In the Roslyn copy the words "but what fines shall happen to bee att the general trayning, for the whole governments two-thirds shall bee payed to the Major Generall and one-third to the officers," follow.]

9 All fines arising upon this accompt, and not exprest here, they shall be disposed of are to be Employed in the Buying Drumes, Colours, Halberds and other necessary Charges relating to the Militia.

10 The Governor and Councell shall send warrants to the Major General, the Major General to the Captaines and Chief Officers, to draw their Severall Companies to a Certain place mentioned in the said warrants, alowing fourteen Dayes warnings in time of peace, But if at any time there shall happen within this Goverment any Forraigne Invation or any Publique

attempt or annoyance from a Common Enemy, whether Christian or Pagan or other Insurrection or Rebellion against the Lawfull Authority In such Case the Governor by warrant to the Major Generall the Major Generall to the Sheriffe, the Sheriff to all Officers both Civill and Military shall Immediately despatch Orders Warrants or presepts to all other Persons whatsoever, that upon their utmost perills of fine and Imprisonment, by the Governor & Councell they nor any of them do fail to meet upon a Certaine day and place in the warrant to be expressed with their Armes and other Military provitions, where the Sheriffe in person is also to appear and attend there to receive further Order from the Governor and Council.

Match Locks accepted against omitted, which was the 11. [In the Roslyn copy the subdivision 11 is inserted as follows:

11 One-third of Every company of what number soever, shall consist, is to bee trayned to use of a match locke muskitt which no man thereunto appoynted, by the Captaine shall refuse under the penalty of Twenty Shillings, but on the contrary shall appeare and Exercise with the same, at all traynings whatsoever; under the aforesaid penalty.]

12 The three Chiefe Officers of each Company have power to punish any Souldier or Souldiers that shall commit disorder or or Contempt upon any day or time of Military Exercise within their Towne or upon any watch or ward, by Stocks Riding wooden Horse or other Military punishments or by fine not exceeding ten Shillings or may Commit such offenders to the Constable, to bee carried before some Justice of the peace who may bind him over to the next Court of Sessions, or Commit him to prison if the Cause so require.

13 Offences of Contempt or disorder at any General Trayning shall bee heard and Adjudged by the Major General and the Captaines onely, who have power to double the fine or Treble the punishment upon the Offenders, though not to alter the manner which is directed to the Chiefe Military Officers in Towne Traynings.

14 If any person cannot procure Armes or Ammunition with such pay or meanes as hee hath, If hee bring to the Captaine so much Corne as by the apprizement of the said Captain and two other Indifferent men whereof one to bee Chosen by the party, shall bee adjudged of greater value by a fifth part, then such Armes and Ammunition is of hee shall bee excused of the penalty for want of Armes untill hee bee provided, and the Captaine shall Endeavoure to furnish him so soone as may bee by Sale of such goods so deposited, rendring the Overplus to

the party, But if any person shall not bee able to provide himself Armes and Ammunition though meere poverty, if hee be Single he shall bee put to Service by the Constable and Overseers of the place where he dwelleth, or they shall provide him Armes and Ammunition, and shall appoint him when and with whom to worke it out.

15 Upon any Expedition upon occation of any Enemy or any present Military Service to be done, All Smiths and other needful workmen shall immediately repaire such Armes and other Necessaries as shall be brought to them for that end, for which they shall not refuse such pay as the Country affords, upon the penalty of five pounds for every Such default, and for any Such Neglect at any time, other time more than ten dayes, shall forfeit for every such Offence ten Shillings.

16 No man shall be Compeld to bear Armes or wage war by sea or Land, without the bounds and limits of this Government, But from Defensive warrs noe man shall be exempted.

17 All defensive or vindictive Warrs upon Indyans shall be maintained by a Generall Assesment proportioned on each Towne according to the pay and Custome of England to Souldiers and half pay to Officers.

18 In respect of the mutuall, and Brotherly Assistance which wee ought at all times to Cherish and improve, for the helpe and Support of our English Neighbours in other his Majestyes Colonyes The Governour and Councell may at all tymes and in all places, by beat of Drum or otherwise, Call together list, raise Armes and send forth out of this Goverment [The words "to the releife of any other neighbour colonyes" here occur in Roslyn copy.] all such, or so many men as shall voluntaryly present themselves to the Service whether Servants or freemen, with this distinction onely, that if any Servant making use of that pretext, to Escape from his Master, shall flee and absent himself from his Colours, and not returne, if Living with his Officers; such Servant so offending, shall be lyable To bee punished by Death, according to the dissipline of warre and the master of such Servants shall have reasonable satisfaction allowed him by the Governour for such Damage And to all Voluntary Souldiers so Levied, shall be Allowed one Moneth pay and made good by a Generall Assessment proportioned to each Towne, all further Charges are to bee defrayed by the Colony to whose Assistance they are Employed, And all Justices of Peace Sheriffs high Constables and other Officers are impowered and required to Suppress and hinder all Levyes of Souldiers by beat of Drume or otherwise to

be composed ["composed" is "compassed" in Roslyn copy.] But such as shall be Authorized by his Majesties immediate warrants, or the Governor and Councell here Established.

*19 All inferior Military Officers shall punctually obey the Orders of their Superiors in their Marches Quarters, and watches without murmuring and repining under the penalty of being fined at the Discretion of the Major General and Captains, from whose Sentence no appeal shall bee made to any Inferiour Court, nor abatement granted, except by the Governor & Councell.

20 All souldiers shall bee respective to their Officers and Obedient to their Command in their Marchings Quarterings and watchings as well as Traynings, whilest they are required to attend the Service, under the penalty, (for their Disobedience in ordinary occations) of five shillings but in Case of such Disobedience happen before the face of an Enemy; or when it is reasonably expected that an Enemy is at hand, to make an assault in such Cases the Officer or Officers shall commit such person or persons into Custody and at Convenient time either to Sentence the Offender to some grievous punishment by a Court Marshall, or remitt the Tryal thereof to the Court of Assizes who are impowered to hear, Examine and Determine the Cause and what fine or penalty that Court shall thinke to impose upon the offender.

21 If any man appointed to stand Centinell, shall bee found sleeping during that duty, whereby the lives of others are in Danger, hee shall pay forty Shillings or suffer other Military Punishment, but if hee shall come off from being Centinel, without being relieved hee shall forfeit five pounds.

22 Every man that absents himself from the watch without leave from his Officer, shall pay five Shillings, and with leave shall hire another; in his place, But if any man shall depart from the watch without leave of his Officers he shall forfeit ten Shillings or more, with other paines and penaltyes, according to the measure of the Danger that may ensue thereupon.

23 That no Troope of Horse shall exceed the Number of fifty Troopers besides officers (viz) A Captaine, a Lieutenant, A Cornet, a Quarter Master, three Corporals, whicl Officers and the private Troopers are to observe the same times for Muster and Exercise in Military discipline with all other Circumstances enjoyned upon the foot Officers and Souldiers respectively, Mutatis Mutandis as followeth.

24 Every Trooper listed in any Troope of Horse shall keepe and maintaine a good Horse Fitted with Sadle, bridle, Holsters, Pistolls or Carbine, and a good Sword under the penalty of ten Shillings for the least default.

Neither is it lawful for any Trooper to sell or Change his Horse without his Captaine's concent under ye penalty of five pounds.

And for non appearance upon dayes of Muster and Exercise ten Shillings a day.

Neither is it Lawfull for any listed Trooper to disband himself, but with leave from his Captaine under the penalty of fifty Shillings.

All Officers both of Horse and foote shall from time to time Obey their Superiour Officers in all things Relating to the Military affaires of this Government.

All other Penalties for defaults in other Officers or Souldiers of a Troope of Horse, shall bee the same and Levied in the same manner, and applyed to such uses as are else where directed and Ordained in Relation to the foote Officers and Souldiers.

OFFICERS AND OFFICES.

All Sheriffs under Sheriffs or High Constables and Constables shall be Changed every yeare, only the under Sheriffes or high Constables, by Speciall warrant may continue in their Office.

Justices of the Peace are to continue in their Places dureing [The words "their good behavior and" here occur in Roslyn copy.] the Governours pleasure.

Clarks of Courts, Cryers, and Marshalls, are to continue in their places dureing their good behaviour for breach of which they are punishable by the Loss of their places, and fine at the Discretion of the Court.

That the Governour and Councell may by Special warrant displace any Officer made or Chosen within this Government for Neglecting of his Office or other Notorious misdemeanor; and misbehaviour, In which Case the Counstable and Overseers of any Towne shall proceed to a new Election, to Supply the vacancy as if the said Officer were Dead, According to the Rules prescribed for Election of Town Officers.

OVERSEERS.

Overseers shall be eight in number, men of good fame and life, Chosen by the plurality of voyces of the freeholders in each Town, whereof foure shall remain in their Office two years Successively, and four shall be Changed for New ones every yeare, which Election shall preceed the Elections of Constables, in point of time, In regard the Constable for the yeare ensuing, is to be Chosen out of that Number which are dismist from their Office of Overseers.

The New Chosen Overseers are to bee presented by the old Constable, and Overseers, to bee Confirmed by the Justices of the Peace at the next Sessions ensuing by taking the Oath appointed for Overseers.

Any one Overseer upon any sudden and necessary occation (the Constable being not at hand, or not in health to performe his Office) May take upon him the Authority of a Constable, Provided that he carry with him the staffe of the Office, which shall be a sufficient warrant to any such Overseer to Act by virtue thereof, and in his Majesties name as any Constable might or ought to do.

ORPHANTS.

That all Persons who now have or shall have any Estate of Goods, Chattles or Lands; in their possession, belonging to any that are under age shall exhibit an Inventory and Accompts of that said Estate within three Moneths next after Publication of this Law, to the respective Courts of Sessions where such Estate shall be and afterwards yearly; And in Case such Person or Persons who have such Estate, in their hands, do not at the time and place aforesaid present the Inventory and Accompts of such Estates as aforesaid; Then that the whole businesse be sent to the next Court of Assizes where the Offender shall be fined for Neglect of Exhibiting as aforesaid; and if any good Improvement hath not been made of the Estate; yet if it shall be thought Convenient to Continue it in the said Persons hands hee or they shall give better Caution and security or else it shall bee removed into the hands of some other able & discreet Person or Persons as the Court shall appoint upon the Cautions aforesaid.

PAYMENTS.

All Payments upon Contracts & Engagements shall bee Satisfied in kinde according to Convenant, Provided that in such Cases where payment in kinde according to Covenant is by Some inevitable accident hindred which could not be foreseen..

All just Damages may bee Satisfied, together with the Debt by Arbitration, but in no Case shall any Creditor be forced to relinquish his just pretence to bee Satisfied in kind accordīng to his Covenant.

PIPE STAVES.

That the Constable and Overseers in all Townes within this Goverment where pipe Staves shall bee shipt, do from time to time as need shall require; Nominate two men of each Town, Skilfull in the Commodity, And such as can attend the service, to be viewers of Pipe Staves, who so chosen shall be by the Constable convented before some Justice of the Peace to be Sworn,

diligently and faithfully to view & search all such Pipe Staves as are to be transported and to be used for making of right Caske who shall cast by all such as they shall judge not Merchantable, both in respect of worme holes, and due Assize (viz) That are not in length four foote and a halfe in breadth three Inches and a halfe without sap, in thickness three quarters of an Inch, and not more or less than an eighth part of an Inch, then three- quarters of an Inch, well and even hewed and Sufficient for use, And they or Some one of them shall at all times upon request give attendance, and they shall enter into a Booke the Number of all such Merchantable Pipe Staves as they shall approve, and for whome, And if any man shall put abord any ship or any other vessel, any Pipe Staves other than shall be so Searched and proved, to the end to be transported to any other place, Except they should be shipt for dry Caske, he shall forfeit the same whole percell or the vallue thereof, And the viewers shall be allowed two Shillings for every thousand of pipe Staves which they shall so Search; as well as the refues, as the Merchantable to bee paid by him that set them on work; And if any master or other Officer of any Ship or other vessel shall Receive into such Ship or Vessell any percell of pipe Staves to be Transported as aforesaid which shall not be Searched and allowed as Merchantable and so Certified by a noate under the hand of one of the said Viewers, Such Master shall forfeit for every thousand of Pipe Staves so unduely received five pounds, Except he can procure one of the said viewers to come on Board And Search such Staves, as they shall bee delivered into The shipp Provided Cast or refuse Staves, or other Red Oake Staves may be transported into those parts which may be of good use for Dry Caske, so as the same bee Carryed in distinct percells and not intermixt with Merchantable Staves. [In the Roslyn copy the title of "Pounds, Prisons and Stocks," post., is inserted here.]

POSSESSION.

Every Person or Persons that hath either himself, or by his Grantee or Assignee possest or Occupied any Lands or Houses as his or their owne proper right in fee Simple within this Government and shall so continue; whether in their owne Persons, their heirs or Assigns, or by any other Person or Persons, from, by, or under them in possession as aforesaid, without disturbance Let Suite or deniall Leagally made to such Lands, or Houses for the tearme of four yeares last past, and shall so remaine without any Claime legally Entred against the possessour before the first day of September, which shall be in the year of our Lord 1665, Shall from and after the first day of Sep-

tember and for ever enjoy the same without any Lett, Suit disturbance or denyal, any Claim or pretence of any Person or Persons to the Contrary notwithstanding Provided That it shall be Lawfull for any Person that shall find himself aggrieved herein to make his Appeale to his Majesty.

PUBLIQUE AFFAIRES.

Whereas this Government may in many Occations be disappointed of speedy and true Information of Publique Affairs out of England, as well as out of our Neighbours Colonyes To the remidy of such future inconveniencies, Every Constable to whom any letters shall come Directed to the Governour Attested on the Backe side the letter with the Name of one of his Majesties principall Secretaryes of State, or with the name of any one of the Governours of any of his Majesties Colonyes of New England; or any Letters Sent from the Governour to the Sheriffe or any of the Justices of York shire upon Long Island and so Attested as abovesaid, shall be dispatcht by every such Constable within three hours at the furthest, after the receipt thereof to the next Constable and so forwards as the letter directs Upon the penalty of forty Shillings for every hours delay And in such cases all Constables are Impowered to Press a Sufficient horse and Man to that purpose Allowing for the Man and Horse Satisfaction Six pence for each Miles travill which shall be discounted to each Constable in the Publique Rates.

PACKERS, CASKE AND COOPER GAGER.

That all Caske used for any Liquors fish, Beefe, Porke or other Commodities to be put to Sale shall be of London Assize and of Sound and well Seasoned Timber and that fitt Persons shall from time to time be appointed in all places needfull to Gage all such Vessels or Caske and such as shall be found of due Assize, shall be marked with the Gagers marke; who shall have foure pence per tunne; And every Cooper shall have a distinct brand marke on his owne Caske; upon the penalty of forfeiture of Twenty Shillings, And whosoever shall put to sale any new Caske being defective either in workmanship, Timber or Assize as aforesaid; upon due proofe made thereof before any of the Country shall forfeit ten Shillings per Tunne and so proportionably for greater and lesser Caske; And because there may be no Neglect in the choyce of a Gager or Packer That Every Towne within this Jurisdiction; wherein any Caske are made, shall yearely make Choice of a fitt man for that Imployment, who being prefered by the Constable within one Moneth after the Choice made; before the next Justice of the peace,

shall there take his oath belonging to his place, which if hee shall refuse hee shall pay the summe of forty Shillings and another shall be Chosen in his Roome, Also the Towne or Constable shall either of them suffer the Like penalty, for their Neglect of this order, And every Gager or Packer shall see that all Caske he Packs, Beefe, Porke, Mackerell, fish or other Goods, Committed to his Care, bee of true and full Assizes and that hee packe the same in no other Caske whatsoever, on the penalty of ten Shillings for every Caske by him Packed, that is or shall be defective in that respect, one halfe to the Informer, and the other halfe to the Governour.

That in every Towne where any such goods are Packed up for Sale, the Gager or Packer of that Towne, or if the Towne where in it is put to Sale or Shipped shall see that it be well and orderly performed (viz) Beefe, and Porke the whole halfe or Quarter and so proportionally, that the best be not left out, and for fish that they be packed all of one kind, and all Caske soe packed be full Sound and well Seasoned, Setting his Seal on all Caske so packed, and hee shall receive of the owner for so packing and Sealing four Shillings per Tunne, But if the Gager do but only view them, and find them good and Sufficient, he shall sett his Seal on them, and have one Shilling per Tunne, for so doing, and if such Goods so packed shall be put to Sale without the Gagers Marke, hee shall forfeit the said goods that so put them to Sale, the one halfe to the Informer the other halfe to the Governour.

POUNDS, PRISONS & STOCKS.

Every Towne shall at their charge provide a paire of Stockes for offenders, and a pound for the impounding of Cattle; and Prisons and Pilloryes are likewise to be provided in these Towns where the Severall Courts of Sessions are to be holden.

PUBLICKE CHARGES.

That every Inhabitant within this Government shall Contribute to all charges, both in Church and Coloney; whereof he doth or may receive benefit, and every such Inhabitant that doth not voluntarily Contribute proportionably to his Ability, with the rest of the same Towne to all Common Charges both Civil and Eclesiasticall, shall be compelled thereunto by Assessment and Distress to be Levied by the Constable as in other cases, and that the Lands and Estates of all Men wherever they Dwell shall be Rated for all Town Charges, both Civill and Ecclesiasticall (as aforesaid) where the Lands and Estates, shall Lye, and theire Person where they Dwell.

That the high Sheriff, for the time being shall from yeare to yeare after the first day of June 1665 send forth his warrants to the Constable of every Towne; within this Jurisdiction, requiring the Constable to call together the Overseers of the Towne, who shall within four Moneths after the said first day of June, make a List of all the Male Persons in the same Town, from Sixteen years old and upwards, and a true Estimation of all personall and Reall Estates, being, (or reputed to bee,) the estates of all and Every Persons in the same Towne or otherwise under their Custody or Management according to Just valuation, and to what Persons the same belong whether in their owne Towne, or other where, so near as they Can by all Lawfull meanes and wayes, which they may use (viz) of warre Houses, Lands of all sorts as well unbroken up as others Except such as Doth or shall Lye common for free feed of Cattle to the use of the Inhabitants in Generall whether belonging to Townes in General or perticuler Persons, but not to be kept or hearded upon to the Damage of the Proprietors, Mills, Shipps, and all small vessels, Merchantable Goods, Cranes, wharfs and all sorts of Cattle, and all other known Estate whatsoever, as also all visible Estate either at Sea, or on Shoar, all which Persons and Estates are by the said Constable and Overseers to be Assessed and Rated as here followeth (viz) Every Person aforesaid, Except such as by Law are Excepted eighteen pounds, and for a more Certaine Rule in rating of Cattle, Every Cow of four years old and upward shall be vallewed at five pounds, Every Heyfer and Steere between three and four years old, at four pounds and between two & three, at fifty Shillings, and between one and two years old thirty Shillings, Every Oxe and Bull of four years old [The words "and upwards" here occur in Roslyn copy.] at six pounds, Every Horse and Mare of four years old and upward at twelve pounds, of three years old Eight pounds, between two and three years old five pounds of one year old three pounds, Every Sheep of one year old Six Shillings eight pence Every Goat above one year old Eight Shillings, Every Swine above one year old twenty Shillings; And all Cattle of all sorts under a year old are hereby exempted as also all Hay and Corne in the Husbandmans hands, because all Meadow, Arable Ground, and Cattle are Rateable as aforesaid, That such Persons as are disinabled by Sickness Lameness or other infirmities, shall be exempted and for such Children, and Servants as take not wages, their Parents and Masters shall pay for them but such as take wages shall pay for themselves.

That the Constable of each Towne do bring into the high Sheriffe fairly writen the just Numbers of all Males Listed as aforesaid, the Assessments of Estates, made in their Severall Townes, according to the Rules & directions expressed and that the said high Sheriffe shall duly and carefully Examine all the said Lists and Assessments of the Severall Townes and shall Correct and perfect the same according to the true intent hereof, and the same so perfected to Transmitt under his hand, before the Expiration of his Office, to the Governour.

That every one shall pay their Rate to the Constable of the Towne where he shall be Assessed, nor shall any land or estate be Rated in any other Towne, but where the same shall lye, is or was improved to the owners; reputed owners or other propriators, use or behoof, if it be within this Goverment, and for all peculiers (viz) such Places as are not yet layd within the Bounds of Any Towne, The said person with the [The word "same" here occurs in Roslyn copy, and the words "said person with the" preceding are omitted.] Lands with the Persons and Estates thereupon shall bee Assessed by the Rates of the Towne next unto it; the measure or Estimation shall be By the Distance of the Meeting House.

And if any of the Constables and Overseers or high Sheriffe shall willingly Neglect or faile to performe the Trust Commited to them in not making Correcting perfecting or Transmiting the said Lists or Assessments according to the true Intent of this Law Every Such Offender shall be fined forty Shillings for every such Offence or so much as the Country shall be damnified thereby, so as it Exceed not forty Shillings for one offence Provided that such Offence be Complained of and prosecuted in due Course of Law, within Six Moneths That upon all distress to be taken for any of the Rates or Assessments aforesaid the Constable shall distraine Goods or Chattles if they may be had and if no Goods, then Lands or Houses If neither Goods nor Lands can be had within the Towne where such distress are to be taken, Then upon such returns to the High Sheriffe, he shall give warrant to Attach the Body of such person to be carried to prison there to be kept till the next Court of Sessions Except they put in Security for their Appearance there or that payment be made in the mean time.

That the Prices of all sorts of Corne to be Received upon any Rates shall be such as is already appointed and that all Towne Rates shall be made after the same manner and by the same rule as the country rate, That if any Constable shall not have gathered his Rates or Levies Commited to his charge by the

high Sheriffe then being, dureing the time of his Office, That he shall notwithstanding the expiration of his Office have power to Levy by distress all such Rates and Levies, And if he bring them not into the former high Sheriffe according to his warrant The said High Sheriffe shall distraine the said Constables Goods for the same, And if the high Sheriffe shall not so distraine the Constable hee shall be Answerable for the same.

And if the Constable be not able to make payment it shall be lawfull for the High Sheriffe old or New respectively to distraine any man or men of that towne where the Constable were unable, for all Arrearages of Levies and that man or men upon Peticion to the Court of Assizes, shall have Order to Collect the same againe equally of the Towne, with just damage for the same.

That the Constable shall appoint a day and place and give reasonable warning to the Inhabitants to bring in their proportions upon which every man so warned, shall duely attend to bring in his Rate, or upon neglect thereof shall forfeit two pence in the Shilling for what he falls short, and the said Constable shall have Authority hereby to distress the delinquents, or be accomptable themselves for the Rates and penalties so neglected by them.

That all the plantations within this Government after the publication hereof, shall be fully Comprehended in this Law.

RECORDS.

All Records of Bargaines and Sale, or any other Conveyances Administrations or Probates of will within the North and West Riding, shall be Transmited to the Office at New Yorke, with the fees Ordained for the Records, within one Moneth after the Record shall be made in the Courts, If in the East Riding within two Moneths.

SAYLERS.

To prevent many miscarriages which are frequently commited by Saylers, by their immoderate Drinking and other vaine expences in Ordinaryes, whereby the Master and Owners of the vessels to which they belong may be prejudised, by Arresting and detaining such Saylors for Debts when their Shipp are ready to sett Sayle, No Victuallers, Innkeepers, or other Sellers of Wine, Beare or other Strong Liquors shall after the first day of March, 1664, Arrest, Attach or recover by Law any Debt or Debts to bee made by any Sayler or Saylers in Pay and whose dwellings are not within this Jurisdiction Except the Master or Owner of such Shipp or Vessell to whom such Saylers belong, have given under his hand to Discharge the same.

SHERIFFE.

The high Sheriffe shall have power to issue forth any writte or warrant according to the Nature of the plaint:

That the High Sheriffe may if he please or see cause for it preside as Chieffe in any of the meetings of that Towne where hee dwells.

That the High Sheriffe shall have the nomination of the Marshall in each Riding, and is to take Security from them.

Each Riding shall have their Turne in haveing a Sheriffe Chosen within their Jurisdiction Successively And the Justice in the last Sessions before the Expiration of the Office of the then Sheriffe, shall present to the Governour, in writing, the names of three persons within their Jurisdiction, out of which the Governour may make Choice of one to be Sheriffe for the Yeare ensuing.

TOWNSHIPS.

Whereas in perticuler Townes many things do arise, which concerne onely themselves, and the well Ordering their Affairs, as the disposing, Planting, Building and the like, of their owne Lands and woods, granting of Lotts, Election of Officers, Assessing of Rates with many other matters of a prudentiall Nature, tending to the Peace and good Goverment of the Respective Townes the Constable by and with the Consent of five at least, of the Overseers for the time being, have power to Ordaine such or so many peculier Constitutions as are Necessary to the welfare and Improvement of their Towne; Provided they bee not of a Criminall Nature, And that the Penaltyes Exceed not Twenty Shillings for one Offence, and that they be not Repugnant to the publique Lawes; And if any Inhabitant shall neglect or refuse to observe them The Constable and Overseers shall have power to Levie such fines by distress.

If any man shall behave himselfe offensively at the Towne meeting towards and before the Constable and Overseers they shall have power to Sentence him for such offences, the penalty not exceeding twenty Shillings, Provided alwayes that every such peculier Constitution be confirmed by the Court of Sessions, within foure Moneths after the making thereof, Otherwise to bee voide and of none effect.

Whereas it is formerly Exprest, That small Causes shall be Arbitrated in Townes; It is to bee understood That the Constable and Overseers in theire Towne Court are first to take Cognizance, if under the value, and then to proceed either to Judgement, if the Case bee Cleare, or propose Arbitration, if above the value,

VOTES.

All votes in the private affaires of Particular Townes shall be given and Determined by the Inhabitants freeholders, Householders, and in matters Committed to Arbitration, or att Sessions, either as to Juryes in all Cases or to Justices on the Bench, where the Law is not Cleare shall bee Carried by the Major part of the Suffrages, The minor to be concluded by the vote of the Major. [The words "plurality of voices" here occur in Roslyn copy.]

WEIGHTS AND MEASURES.

That the high Constable in each Riding shall provide at the Publique charge Severall Standards of weight and Measures, which shall be sealed with a Common seale appointed for that purpose, that they may be uniform and Certaine (viz) for weights a Sett of Brasse weights to four pounds with the less weights included according to the Averdupois pound, consisting of Sixteene Ounces, with a good Beam fitt to weigh and try them for Corne measures That there be one Bushel one Peck, and one halfe Pecke to be fitted to winchester Measure in England; and Measures for Liquids as the Ale quart Wine quart, wine Pint, and halfe Pinte, And that there be one Ell, and one yard, that all and each may be according to the General Custome of England; And in Goods sould by the Hundreds weight five score and twelve to bee allowed Except in Nayles sould by the hundred to which Six Score is to be allowed to the hundred, And in goods sould by the Elle and yeard one Thumbs breadth be allowed to the Length of the Elle and yeard, and the High Constable is to take Cognizance, that the Constable and Overseers of every respective Towne do also provide at their Townes Charge the like weights and Measures Suitable to the Standard and the Constable and Overseers shall Choose some fitt man in each Towne to be Sealer of such weights and measures; which man so Chosen, they shall present to the next Court of Sessions And theire to be Sworne to the faithfull discharge of his duty And hee shall have power to send forth his warrants by the Constable to all the Inhabitants of their Towne, to bring in all such weights and measures as they make use of, once every year at such time and place as he shall appoint and then to fitt them to the standard aforementioned, and marke them with the Town mark And the Sealer shall have for every weight and measure from the owners thereof two pence at the first Sealing, and for viewing and resealing them yearly after one penny. And all such weights and Measures as cannot bee brought to their just stand-

ard he shall deface or destroy them; And if any high Constable, Overseers or Sealer shall Neglect his or their Duty and trust he or they shall pay as a fine to the Town forty Shillings, And every person that after due notice given shall Neglect to bring in his weights and Measures, he shall pay three Shillings four pence for every such default, the one half to the Sealer the other to the Towne, And if at any time any Person within this Goverment shall buy or sell by any false or unallowed weight or Measure to the Damage of his neighbors, he shall forfeit (besides Correction) Treble the value to the Towne.

WITNESSES,

No man or woman shall be put to Death, without the Testimony of two or more witnesses, the Confession of the Party, or other Equivalent Circumstances.

In all Causes (whether Civill or Criminall but not Capital) property falling under the Cognizance of a Constable and Overseer, it shall bee lawfull for the Constable to require and take the Oath of any witness above the age of fourteen years and of Sound understanding and make a record thereof, that if any Court of Assizes or Sessions, shall at any time make a review of such Cause, the evidence Also may Appeare.

Every Witness, in any Action may require as due to him from the Party at whose Suite hee appears two Shillings for every Dayes attendance, but unless a witness bee Served with a Subpena to give in Testimony, it is his Choice to appear or not but after a Subpena Served, he shall have onely eighteen pence per Diem.

It is always to be understood That the Party Delinquent or Cast, whether in Civill or Criminall Cases, shall pay all Charges of what kind soever which arise from the prosecution

WOLVES.

If any Person either Christian or Indian, shall at any time bring the head of a Wolfe or Wolves to any Constable upon Long Island, the said Constable is required to Call two of the Overseers to him and then and their to pay and Satisfie such person or Persons to the value of an Indian Coat; to be allowed out of the publique Charge in the Towne Rate Provided alwayes that the Constable and Overseers shall require the Oath of such Christians, that bring the head of a wolfe or wolves, that he killed the said wolfe or wolves, with the time and Circumstances and upon Long Island only, Provided also that the Constable and Overseers have due regard to such wolfe or wolves brought by the Indians, that they appear to be fresh

and newly killed, with Circumstances that they are killed upon Long Island and not else where; The Constable and Overseers are to cause the heads to be nayled over the doore of the Constable their to remain, as also to Cut of both the Eares in token that the head is bought and paid for.

WRECKS OF THE SEA.

If any shipp or vessel belonging either to friend or Enemy shall at any time Suffer Shippwrack upon any of the Coasts of Goverment There shall no violence or wrong be offered or done to their Persons, or Goods; but their Persons shall bee harboured and relieved, their Goods preserved from spoile and Embezlement, And all Justices of the Peace, Mayers Sherriffes, high Constables, Petty Constables, and Overseers, are Strictly Charged and required to be vigilent therein and upon notice of any such ill accident within their precincts, to repaire to the place and give good Order therein for the reliefe of the persons and Security of the Goods, untill notice thereof be given to the Governour and Councell who will proceed therein According to the law of England and Cause full Satisfaction to be given to such as have Employed their time and Labour to the preservation of the persons and Goods.

[The following paragraph is not in the Roslyn copy.]

The goods of friends are by Warrant from the Governour and Councell to be restored to the Owners, if any Canne be found or knowne.

Also any whale or such like great fish cast upon the Shoare of any precinct, shall be taken into the Care of any of the Officers above mentioned to bee kept, or improved where it cannot be Kept, and by such Officers onely, untill the Governour and Councell (after notice sent) shall give further Order therein.

And the Acknowledgement which shall be received for Whales, or such Like great fishe Cast upon the shoare of any precincts shall be the fifteenth Gallon of Oil.

WARRANTS, SPECIALL WARRANTS AND SPECIALL LICENCES.

All writings warranted or Licenced under the Governour his hand and Seale, shall be esteemed and Observed as Speciall Warrants, Licences to all Intents and purposes.

OATHES,

Whereas you are Chosen and appointed by the Governour and Councell, Established under his Royall Highness the Duke of Yorke to be a Justice of the Peace over the Jurisdiction of the

W, N, E, Riding of yorkshire upon Long Island, You do Sweare by the Everliving God, that you will truly Endeavour, to the best of your Skill, with a good Conscience and according to the Lawes of this Goverment, Dispence Justice Equally and Impartially in all Cases and to all persons whereunto by virtue at your Office you are impowered. So help you God.

Whereas you are Chosen and appointed by the Governour and Councell, Established under his Royall Highness the Duke of Yorke to be High Sheriffe for this present year, 166—. Over Yorkeshire you do Swear by the Everliving God, that you will discharge the Trust reposed in you, with a good Conscience and diligence and without partiality to Persons, you will by your Selfe or your Sufficient Deputy Issue forth all such writts, Serve Attachments, Executions, Judgments as properlly belong to your Office, and punctually observe all warrants to you directed from any Court or Superior Authority of this Goverment, you will from time to time Call the high Constable of each Riding to an Accompt for all fines, Levies, Assessments and all other publique Moneys in their hands, and returne the names of such as fail in their Duty to the Governour and Councell using your best Endeavour for the Collecting and bringing the said Sumes to the Governour and Councell at New York, you will also render yearly a true Accompt and make good payment thereof, And will in all things behave yourselfe according to the quality of your Office, and the trust reposed in you So help you God.

Whereas you are Nominated and Confirmed by the Governour & Councell under his Royal Highness the Duke of York, in the Office of high Constable within the Jurisdiction of N, W, E, Riding of Yorkeshire upon Long Island, you do Swear by the Ever living God, That you will discharge the trust reposed in you, with a good Conscience and diligence in all things whereunto you are empowered by Law; you will fully execute and performe all manner of writts Summons, warrants, or the like, which shall be to you directed from the Governour and Councell, the Justices of the Peace within this Riding or the high Sheriffe of Yorkeshire, you will diligently and truly take the accompts from each petty Constable and them deliver to the high Sheriffe with the name of the Constable or Constables as Shall fail in their Office in not Collecting and bringing to you such sum or sums as are due to the publique, within their Respective Townes So help you God.

Whereas you are Chosen in your Towne, and Confirmed by the Justices of the peace of the East Riding to be Constable of East Hampton Towne for one year, and untill another bee Sworn in your place, you do Swear by the Everliving God That you will care-

fully endeavour the preserving of the peace and the discovery and prevention of all Attempts against the same you will duly Execute all Speciall warrants which shall be sent unto you from the Governour and Councell Established under his Royal highness the Duke of York and faithfully Execute all such warrants and Orders of what nature soever from the Courts Established by Law with your utmost care and diligence Impartially you will faithfully and With what speed you Can Levy all such fines Rates and Sumes of Money, due to the publique, in such moneys or Goods valuable for which you shall have Sufficient warrant; rendering accompt thereof and the defaults to the high Constables and with like faithfullness, speed and Diligence will serve all Attachments Executions, distresses in private Causes, Betwixt party and party according to the Sentences of Court, and make returns thereof duely where they are returnable into the same Court, And further you will frequently, Advise and Counsel with, and when any difference ariseth, within your Towne and limits by small Actions or otherwise as is by law appointed, you will Assemble a convenient Number of the Overseers of the Towne and Limits to sitt as a Towne Court, for the Hearing, determination or Composing all matters pertaining to your Cognizance. And in all things behave yourselfe, as becomes the Office of a Constable and your duty to the Lawes of this Goverment, So help you God.

Whereas you are Chosen and appointed an Overseer in the Towne of Southampton you do Sweare by the Everliving God that, that you will faithfully and diligently discharge the trust reposed in you, in Relation to the publique and Towne affaires, according to present Lawes Established, without favour affection or partiallity to any Person or Cause which shall fall under your Cognizance as an overseer, And at time, when you shall bee required by your Superiours to Attend the private differences of Neighbours, you will Endeavor to reconcile them, And in all Causes Conscientiously and according to the best of your Judgment deliver your voyce in the Towne meetings of Constable and Overseers So Help you God.

You do Sweare by the Everliving God; That you will Conscientiously deliver your Verdict in the Cause, between A, B, and C, D, in this Court; According to the Evidence given you, and the Lawes of this Government, So help you God.

You do Sweare by the Everliving God; That you will Conscientiously try and truly deliver your verdict Between our Soveraigne Lord the King, and the Prisoner att the Barre According to your Evidence, and the Lawes of this Goverment, So help you God.

You do sweare by the Everliving God, that the evidence you shall give into this Court, Concerning the Cause or Person now in question, shall be the truth, the whole truth, and nothing but the truth; So help me God,

Whereas you are Chosen Apprizer of such Goods Lands Houses or Cattles which are now under your Consideration you do here Sweare by the Everliving God, That all partiality, prejudice, or any Sinister respects laid aside; you will Apprize the same, and every part thereof according to the true value thereof at the prise now Currant according to your best Judgment and Conscience So help you God.

Whereas you are Chosen and appointed Marshall for this Jurisdiction; you do Sweare by the Everliving God to be true and faithfull in your Office, not to suffer wittingly or willingly any Prisoner committed to your Charge to Escape, nor to sett any Prisoner at Liberty without a Legall warrant for his deliverance, as also that you will not exact Extravagant prices, but conform your Selfe to the Rates allowed for the Lodging and dyat of Prisoners without fraud or corruption So help you God.

Whereas you are Chosen and appointed viewer of pipe staves, within the Towne of ———— you do Sweare by the Everliving God, that at all convenient times whilest you shall be in place, or shall be required to Execute your Office you will duely and diligently attend the same and without favour Affection or Corruption Sort all Pipe Staves presented to you rejecting such as are not Merchantable, and make a true entry thereof according to Law, So help you God.

You do sweare by the name of the Everliving God that in the office of a Surveyor, you will according to the best of your skill and abilitys, diligently and faithfully discharge the trust Commited to you, without fraud or corruption So help you God.

You do Sweare by the name of the Everliving God That in the Office of a publique Notary, you shall demeane your Selfe diligently and faithfully, according to the duty of your Office, And in all writings, Instruments and Articles that you are to give Testamony unto, when you shall bee required; you shall performe the same truly and sincerely according to the nature thereof without delay or Covin, And you shall Enter and keep a true Regester of all such things as belong to your Office So help you God.

Whereas you A, B, are Chosen Packer of Beefe, Porke and other things for the Towne of ..... you do hereby Sweare by the name of the Everliving God, that you will well and truely Pack all Beefe, Porke and other things when you shall

be thereunto required, you shall Pack no kinde of Goods but such as are good and Sound nor any Goods in any Caske, that is not of a Just and full Gage; you shall also sett your particular marke upon all Caske Packed by you; And in all things proper to the place of a packer you shall faithfully discharge the same from time to time, according to your best Judgment and Conscience, So help you God.

You being Admitted of the Councell of the Gouvernour under his Royall Highness the Duke of Yorke within these Territoryes Comprehended in his Majesties Letters Patents, do Sweare that you will to the best of your Judgment, and at all times freely give your advice to the Governour for the good Management of the Publique Affairs of this Government, and that you will not Reveale directly nor Indirectly such matters as shall be debated in Councell, or committed to your Secrecy but will in all things be a true and faithful Councellour when you are thereunto required, So help you God.

PRECIDENTS AND FORMES.

To (A B.) of C, Carpenter, you are required to appeare at the next Court holden at D, on the Day of the Moneth of ..... next ensuing, to answer the Complaint of E: F: for withholding a debt of ..... Due upon a Bond or Bill, or for two Hoifers and Sould unto you by him, or for worke, or for a Trespasse done him in his Corne or Hay, by your Cattle or for a Slander you have done him in his Name or for striking him or the like, and hereof you are not to fail at your perill; Dated the day of ..... the Moneth, and the year of our Lord.

To the Justices, high Sheriffe, under Sheriffe high Constable, Constable of (B), or their Deputyes you are required to attach the Body and Goods of (G. H,) and to take Bond of him to the value of with sufficient Surety or Suretyes for his appearance at the next Court holden at (S,) on the day of the Moneth of Then and there to Answer the Complaint of (T M,) [The words "for Attachment" here occur in Roslyn copy.] &c. as before and to make a true Returne thereof under your hand Dated the Day &c.

Know all men by these presents that we (A B,) of C yeoman, and (O P,) of the same Carpenters do bind ourselves, our heires and Executors to (R F,) high Sheriffe or (M O,) Constable of D: aforesaid &c. in pounds upon Condition that the said (A B,) shall personally Appeare at the Next Court of S to Answer (L M) in an Action of and to abide the Order of the Court therein, And not to depart without Lycence.

The Justice, high Sheriffe, under Sheriffe high Constable Constable of or their Deputyes you are hereby required to Replevin three Heifers of (T P,) now distreined or Impounded by (A B,) and to deliver them to the said (T P,) Provided he give Bond to the value of with Sufficient Surety or Sureties, to Prosecute his Replevin at the next Court, holden at B, and so from Court to Court till the Cause bee ended and to pay such Cost and Damages, as the said (A B.) shall recover by Law against him, and So make a true returne thereof under your hand Dated: &c.

[The markes for horses are omitted from Roslyn copy.]

The Markes for Horses of Every Towne upon Long Island.

A East Hampton	K West Chester.
B Southampton	L New Towne
C Southold	M Bushwick
D Seatalcott	N Brookland
E Huntington	O Flat Bush
F Oyster Bay	P Flat Land
G Hempsteed	Q Utricht
H Jamaica	R Gravesend
I Flushing	

FINIS.

[The following recommendations are not in Roslyn copy.]

HAVING received Information that at ye late Sessions held in the Severall Ridings of Yorkshire upon Long Island divers inconveniences were found in some particular Lawes and other things needful to be incerted therein have beene omitted; I have thought fitt to Send unto you these following Amendments and additions which you may Communicate for the present to the Severall Towns within your riding and at the Assizes they may receive further Confirmation or alteration as shall be found most Expedient.

I do recommend unto you that to prevent the trouble of to frequent holding of towne Courts, a Court may be held in each respective Towne at some Convenient certain tyme either once in two three or four weekes as you shall Judge most fitt; And if any one shall desire to Call a Court any other tyme that he pay for the trouble and charges thereof as it shall be reasonably adjudged by the Court.

That henceforth the payment of the Jurymen and witnesses who shall attend the Court of Sessions or Assizes be from the tyme of their going from home to their returne, That a witness shall be allowed 2s, per diem where he gave in his evidence voluntaryly or being served by subpena. That the general

trayninge appointed for the townes of the East riding (In regard of their distance) be respited till further order.

That the Towne of Huntington and Oyster bay (though of several ridings) may joyne in Compleating their Company of foote, but the Captain and Lieutenant are not both to be of the same Towne.

That in regard of the distance of the Inhabitants of North Sea from the towne of Southampton (to which it doth belong) there be a deputy Constable appoynted with power to keep his Majesties peace and to execute such warrants and orders as hee shall receive from his Superiors.

That In regard the Condition of distracted persons may prove of publique Concerne, and for that it is to greate a burthen for one Towne allone to beare, It may bee taken into Consideration at the Assizes whether the other townes of that riding ought not to Contribute to the Charge, and as Care may then be taken therein for the future so some way of Satisfaction may be thought on for extraordinary trouble past; upon the like account.

That noe fine ought to be imposed or levied on a persons Estate who is not in his sences, And whereas a fine hath binn levied upon one of the Inhabitants of East Hampton who is in a distracted Condition which fine was formerly ordered by Mr. Winthrope to be returned, The Justices or the officers of the Towne are to take Care the said order be performed.

That the Constable of each Towne During his office may furnish the Indians with such quantity of powder as may be thought necessary for their killing of wolves and provisions, And also may permit them to have theire gunnes mended the said Constable giving an account of what is so furnished and permitted by him to the Indians at the next Sessions.

That the peculier Lawes and Constitutions of sundry townes within your Riding which are now allowed to be of force amongst them (as well such as were made before the publique Lawes were declared as since) be brought in at the next Assizes there to receive Confirmacon or alteracon or amendment.

That for the greater ease of the Constables of the East Riding in the execution of their Office (their Townes lieinge so remote one from another) the said Constables may be excused of their attendance at the Sessions, Provided one of the Overseers from each Towne who shall be nominated of the Jury do give attendance in his place with the Staffe of the Constable.

That whereas it is ordered in the Laws that noe man shall sell a less quantity of Liquors than a Quarter Cask without a Licence &c: It is to be understood that noe man is hereby hindered for buying for his own private use any quantity of Liquors provided he do not sell by retaile without a Licence.

That whosoever (being duly elected) shall refuse to serve as an Overseer shall pay the same fine as is appointed for a Constable refusing to serve in his office.

That Whosoever shall be nominated to serve in a Jury without Just Cause showen shall refuse it he shall forfeit twenty shillings towards the defraying publique Charge which is to be Levied by the Constable.

That if any person within this Goverment shall commit burgulary by breaking up any dwelling house or shall robb any person in the field or hiewayes the person offendinge shall for the first offence be branded on the forehead for the Second offence he shall be branded as before and Severely whipped and for the third offence he shall be put to Death.

If any person shall robbe any orchard or Garden or shall steal away any linnen Woollen or other goods left without dores he shall pay treable Damages or be whipped.

If any one shall steal from another any Coyne, goods, or Chattels to the value of ten shillings or upwards he shall be whiped or pay such a fine as the Court shall Judge to sattisfie all Damages with Costs and Charges of Court, and it Is also left to the Discression of the Court to appoint smaller matters or punishments for smaller offences of that kind.

That the Constable by warrant from a justice of the peace may make search in any house or place suspected both for the offender and the goods stolen, and whosoever having his goods stolen shall privately receive them and shall not legally prosecute the offender he shall forfeit to the publique use the goods received or the value.

RICHARD NICOLLS.

To the Justices of the peace High
Sheriffe and all other officers both
military and Civill in the East Riding of Yorkshire on Long Island.

[The titles and notes of alterations which are here inserted in brackets at the beginning of paragraphs, are in the margin, in the original.]

SOME Alterations Amendments and Additions made in the Lawes and confirmed att the Generall Assizes held in New Yorke the 28th and 29th Dayes of September and the 2nd, 3rd and 4th Dayes of October 1665.

[Absence. This to bee written in the place of that in ye Booke under ye first head.]

If any Justice of the peace or high Constable shall be absent from the Sessions held within that Rideing where hee Inhabitts,

or from the Generall Court of Assizes, he shall pay for every Dayes absence, tenn pounds, And every Petty Constable for each Default shall pay five pounds, unless one of the Overseers who shall be nominated of the Jury Doe give attendance on the Court in his place, with the Constables staffe Provided ["after" is "also" in Roslyn copy.] after that it shall be Lawfull for the Justices of the Bench to discharge any Constable from his appearance, if they thinke fitt.

[Accons. This to be written in the place of ye 2d. clause of this head.]

In all accons of what nature soever not exceedinge the value of five Pounds between Neighbours, Arbitration of two indifferent Persons of the Neighbourhood shall be tendred, which persons are to bee nominated by the Constable of the place before it be brought to a Towne Court and if either or both parties shall refuse (upon any pretence) to stand to arbitration Then the Court shall Determine the Case If above the value then the next Justice of the Peace upon the Complaint of the party shall propound Arbitration to both Parties and if they accept thereof the Justice is to nominate the Arbitrators But if either Party refuse, Then the Justice is to give fourth his warrant as the Action requires.

[This in the place of the third clause.]

In all differences under five pounds not tryable in Sessions the Constable is to have one shilling for nameing Arbitrators to whom if the difference be referred, they shall have two Shillings and Sixpence each, If the Action is brought to the Justice, he shall have two Shillings Six pence for nomination, And the Arbitrators hee appoints two Shillings Six pence each.

[These addicons are to follow under the same head.]

That to prevent the trouble of two frequent houlding of towne Courts a Court may be held in each respective Towne at some Convenient certain tyme either once in two, three, or four weeks as shall bee adjudged most meete. And if any shall desire to Call a Court any other time that then hee pay for the Charge and trouble thereof, as it shall be reasonably adjudged by the Court.

In Towne Courts the Constable and Overseers are to give their judgment by the Major Vote, where six with the Constable, or Seaven in his absence, are Competent ["Competent" is "Compleate" in Roslyn copy] and equivalent to a Jury, and the Constable upon equall Division, is to have a Casting voyce.

The fees belonginge to the Towne Courts shall be halfe of what is allowed at the Sessions, as the fees of the Court of Sessions are halfe of the fees of the Assizes.

Titles of Land as well as other accons are to be tryed in Sessions unlesse being above the value of 20£. they shall bee Ordered to bee tryed att the Assize by the Governour's Speciall warrant.

Any Accon of Debt &c. above the value of 20£. may likewise bee tryed at the Assizes by Speciall Warrant from the Governour.

Those that live att a great distance from Courts, are to have the heads of the plts Declaration, left at the Place of their Abode as well as the Summons before the tryall, eight dayes.

Where the Originall Point ["Point" is "Plaint" in Roslyn copy.] is matter of equity the proceedeings shall bee by way of Bill and delivering in Answers upon Oath and by the Examination of witnesses, in like manner as is used in the Court of Chancerie in England, And due regard must be had that the Defendant have timely notice thereof, as is appointed at Common Law; which is eight dayes warning before the Court shall sitt.

[Administracon. This to bee the last clause.]

That all Originall Wills after haveing beene prooved att the Court of Assizes or Sessions and returned into the Office of Records att New-Yorke shall remaine there, and the Executors Administrators shall receive a Coppie thereof, with a Certificate of its being allowed and attested under the Seal of the Office.

[This amendment to be in ye second clause.]

Administration may be granted by the Court to any Person, the Second Sessions, but to widow or Child, Brother or Sister immediately.

[To come in Betweene the 5th and 6th clauses.]

A (Quietus) is to be procured within a yeare and six weeks after Administration is granted or a will prooved.

[Appeale. This and the next to come in before the last clause.]

All Reasons of Appeale as well as Declarations are to be delivered into the Clarke of the Assizes or Sessions, eight Dayes before the Court sitts.

The Security to be given for prosecuteinge of appeales, shall be taken by the Court the party appeales from, and for the prosecution of any other suit at the Assizes Security shall be given to the Clarke of the Assizes.

[To be in ye place of ye last clause.]

All appeals are to bee made by way of Petition to the Governour and Councell, and the Appellant shall pay tenn shillings upon the deliverie of his Petition, over and above two Shillings

Six pence to the Clarke of the Assizes, for Entring of the Appeale.

[Appearance.]

These words (a Justice of the Peace) are to bee Added in the beginning of this clause (vizt) It shall be lawfull for the plaintiffe or Defendant to take out a Subpoena from a Justice of the Peace, the Sheriffe, or under Sheriffe.

[Apprizement.]

That Whereas it is said in the second Clause the Sheriff shall remove the Goods, out of the possession of the Plaintiffe &c. It is to be altered and written out of the possession of the Defendant.

And whereas it is therein also said the Execution is to bee returned by the Sheriff to the Clarke of the Sessions that Granted it, in stead of Granted it its to bee, that Signed it by order of the Court.

[This to follow.]

That the Persons who shall be nominated and Chosen Apprisores of Goods lands or whatsoever else, shall be taken in execution are to bee allowed fouer Pence per pound, for what shall be by them soe apprised which is to bee payed by the party Cast in the suit and risen Accordingly.

[Arrest.]

The later end of the 4th Clause is to conclude thus (vizt) In which case also hee shall not be Arrested, but by speciall warrant.

[This to follow.]

Noe High Sheriffe or Justice of the peace may at any tyme grant a specill warrant But dureing the tyme of the sittinge of the Court of Sessions the whole Bench may grant it.

[This to bee the conclusion of the 5th in the Booke.]

Provided that the previledges belonging to the Corporation of the Citty of New York, bee not hereby infringed, But that it shall and may be Lawfull for any of the Inhabitants thereof to Arrest a Debtor in the said Citty, though the place of his abode shall happen to bee in any other Towne within this Goverment and the person so arrested, to sue and Impleade in the Citty Court, any Law to the Contrary in anywise notwithstanding.

[Assessments.]

In Assessments add the words in the Parenthesis, in the first clause (viz) And every Inhabitant who shall not contribute (to all Charges both Civill and Ecclesiasticall) Proportionably to the Rate so Assessed &c.

[Assizes.]

In the first Clause, its to bee written the Generall Court of Assizes &c.

[To follow what is alreadie written in the Booke.]

A Court of Assizes may also bee Called at any tyme (by speciall warrant) to heere and Determine Civill Causes (that require a speedy dispatch) as well as Criminall.

[This likewise.]

No other Processe shall Issue forth for tryall of Accons at the Assizes, But the Governoures speciall warrant, Except in Cases of Appeale.

[Bayle. This to be in ye place of ye 4th clause.]

To Bayle one not Bayleable is a negligent escape in the Justice, or in any other authorized to take Bayle.

[Bill.]

To be added, (or on some other paper or parchment annexed to it.)

[Bounds. This to be ye last clause.]

All Lands, Pattents and Bounds and limits of Townes are to bee Recorded in the Office of Records at New Yorke as well as in each Particular Towne, and at the Sessions.

[Capitall Lawes. This to follow ye 11th clause in ye Booke.]

That if any Person within this Goverment shall commit Burglary by Breakeing upp any Dwellinge House, or shall Robb any Person in the field or highwayes, the Person so offending shall for the first offence, bee branded on the forehead, for the second, hee shall be branded as before, and severely whipt, and for the third offence hee shall bee putt to Death.

[The 3d following clauses to come in before Adultery.]

If any Person shall Robb any Orchard or Garden, or shall steale away any Linnen, wollen or other Goods left without doores or shall wilfully deface or spoyle any Dwelling House, or out House or any part thereof, or any thing belonging thereunto, he shall Pay treble Damages or bee whipt.

If any Person shall take from an other, any Corne, Goods, or Chattles to the value of tenn shillings or upwards, he shall be whipt, or pay such fine as the Court shall adjudge, to satisfy the Damage, with the Costs and Charges of Court, And it is also left to the Discretion of the Court to approint smaller Mulcts or Punishments for smaller offences of that kinde.

That the Constable by warrant from a Justice of the Peace, or upon sudden occasion without warrant (haveing with him the staffe of His office,) may make search in any House or place suspected both for the offender, and for the goods stolen, And whosoever having his Goods stolne, shall privately receive them and shall not legally prosecute the offender he shall forfeite to the Publique use the Goods so received or the value.

[This to be ye last save one in ye Booke.]

In Cases of Adultery all proceedings shall bee accordinge to the Lawes of England which is by Divorce (if sued) Corporall punishment or fine and Imprisonment.

[Cattle, etc. This to follow ye 4th clause in ye Booke.]

All those who shall have their Cattle markt, with the Towne marke, shall pay to the Officer that markt them, two pence per head.

[This to come in before ye last clause.]

That it shall be left to the peculier Lawes of Townes-hipps to allow what more they shall thinke fitt, to give for the Impounding of Cattle, than herein is exprest.

[Causes. The first clause in ye Booke to be last and this to bee put in its place.]

The Charge of each Cause shall bee as followeth (vizt) Every Cause of or under five Pounds shall pay two shillings six Pence, from five Pounds and under tenn Pounds, five Shillings, from tenn Pounds, and under twenty Pounds, fifteen Shillings, from twenty Pounds and under forty Pounds twenty Shillings, And for every tenn pounds more above forty Pounds two Shillings Sixpence; That money so Levied is to go towards the defraying of Court Charges.

[Church. This to follow ye first clause in ye Booke.]

That such Churches shall be built within three years, after this assizes, to which end a Towne Rate may bee made to begin this yeare.

[Church wardens. This to be ye last clause.]

That the Office of the Churchwardens aforementioned is to be performed by the Constable & all the Overseers who are to take the like care as is required of the Churchwardens.

[Charges Publique.]

That the Second Clause in Charges Publique bee left out of the Booke.

In the third Clause, warrants are to bee Issued by the High Sheriffe to the High Constable of each Riding who shall send warrants to the Constables &c.

In the 5th. 7th. 8th and 9th Clauses the High Constables name is also to bee incerted to act between the high Sheriff and the Constables.

[Constable. This & that which followes to come into the Booke before the last clause.]

The Constable of each Towne dureing his Office may furnish the Indians with such quantity of Powder and shott as may be thought necessary for their killing of woolves and provisions,

And also may permitt them to have theire entire Gunne mended; the said Constable to give an accompt of what is so furnished and permited, by him to the Indians at every Sessions.

That in regard of the distance of the Inhabitants of Northsea, from the Towne of Southampton (to which it doth belong) there be a Deputy Constable appoynted with power to keepe his Majesties peace, and to execute such warrants & orders as hee shall receive from his Superiours.

[This to bee ye last clause.]

That whosoever (being duly elected) shall refuse to serve in the office of a Constable, hee shall forfeite for his refusall, the summe of five pounds, towards the defrayinge of Towne Charges.

[Courts. This to be ye last clause.]

Memorandum, that noe warrants are to bee Issued by the Clarke of any Court, but in the name of the Court.

[Distracted Persons. This a new head & is to come between Defamation & Dowryes.]

That in regard the Conditions of distracted Persons, may bee both very chargeable and troublesome and so will prove too greate a Burthen for one Towne alone to beare, each Towne in the Rideing where such person or persons shall happen to bee, are to Contribute towards the Charge which may arise upon such occasions.

[Fees.]

The Justices fees for nominatinge Arbitrator is to be altered from 7s. ["6d." here occurs in Roslyn copy.] to 2s. 6d.

[To follow court fees in ye Booke.]

Court fees, are either to bee payed to the High Sherreife, or the Clarke of the Assize, or Sessions who are to bee accomptable for them.

All Court fees are to bee levyed by distress or put into the execution with the Debt and so risen.

[This is to be amended in ye Booke.]

The Clarke of the Sessions shall have for the entry of each accon for tryall two Shillings sixpence, whereas as it was before but one Shilling.

[To bee added to the sherieffes fees.]

The Sherreifes fees in Appeales shall bee the same as in other Accons.

[Horses and Mares.]

The proviso for liberty of transportation of Mares shall continue three years longer then the tyme formerly allotted, and (if found convenient) at the expiracon thereof may bee continued for a longer tyme.

[Inn keepers.]

That Inn keepers or Ordinary keepers, shall not bee obliged to put any perticuler quantity of Mault into their Beere; but they shall not sell theire Beere above two pence the quart, nor any Liquors above twelve Shillings the Gallon, under the penalty of twenty Shillings for each Gallon, so Sold, Provided alwayes, and it is to be understoode, that noe man is hereby hindered from buying for his owne private use, any quantity of Liquors, And it shall and may bee Lawful for any Person, to sell such quantity to him, so that hee doe not sell it againe by retaile without a Licence.

[This to follow ye second clause in ye Booke.]

That if any Complaint bee made to the Officers of a Towne, against selling of Liquors att two unreasonable, and extraordinarie rates, by Ordinary keepers, or others, they have power to give redress therein.

[Jurors. This to follow the 3d clause.]

That the payment of Jurymen and witnesses, who shall attende the Court of Sessions or Assizes shall bee from the tyme of theire goeing from whom to their returne.

[This to followe.]

That whosoever shall bee nominated to serve in a Jury and without Just Cause showed shall refuse it, he shall forfeit twenty Shillings, towards the defrayinge of Publique Charges, which is to be levied by the Constable.

[This to be ye latter end of ye last clause save one.]

And the Court upon Occasion is to Judge of other Just exceptions against Jurors besides kindred.

[This to be ye 3d clause.]

The Justices of the Peace, High Sherreife or under sherreife may grant Replevine ex Officio.

[In ye last clause in ye Booke.]

Whereas it is said Justices may preside in Towne meetings it is to be written in Towne Courts.

[This to be ye last clause.]

Every Justice of the peace, shall have allowance of Twenty pounds per Annum to bee payed out of the publique Rates, towards the defrayinge of theire Charges, over and above what may arrise out of the fines & Amerciaments not otherwise disposed of.

[Lands. This to come in the 2nd clause after ye words (Present posessor or right owner).]

To the end all former Purchases &c: all persons whatsoever who have any grants or Patents of Towneshipps, Lands or Houses, within this Goverment shall bring in the said Grants

or Patents to the Governour and shall have them Renewed by Authority from his Royall Highness the Duke of Yorke, before the beginninge of the next Court of Assizes.

[This to bee put in the 4th clause.]

That every Purchaser &c. shall pay for every hundred Acres as an acknowledgment two Shillings and Six pence.

[Mariage. This to bee ye last clause.]

All Persons to bee accompted of fitt age to Marry, when the Man shall attaine to the age of twenty-one, and a Woman of Eighteene years.

[Military Affaires. That clause in ye Booke is to be altered as this is, its the last save one.]

Every trooper listed in any Troope of Horse shall keepe and maintaine a good Horse for service when required fitted with Saddle, Bridle Holsters and Pistells, or a Carbine and a Good sword under the penalty of tenn Shillings for the least default, ["default" is "defect" in Roslyn copy.] Neither shall any Trooper sell, or change his horse, and leave himselfe destitute, under the penalty of five pounds, And for non appearance upon Dayes of Muster and Exercise, tenn Shillings a day, Neither is it Lawfull for any listed Trooper to disband himselfe (But with leave from his Captaine) under the penalty of fifty Shillings.

[Overseers. To followe ye latter end of ye first clause next after ye words (Sessions Ensuinge.]

Or by any Justice of the Peace of the same Rideing, out of Sessions, the Oath appoynted for Overseers being administered unto them.

[This to bee ye last clause.]

That whosoever (being duly elected) shall refuse to serve as an Overseer shall pay the same fine, as is appoynted for a Constable refuseinge to serve in his Office.

[Pounds, Prisons, &c. This & ye clause followinge to bee added to what is alreadie written in ye Law.]

That the Justices of the Peace of each Rideinge shall Cause a peece of Ground to bee layed out in the same Towne where the Sessions shall bee kept, whereon shall bee built a Towne House, and Prison which are to bee erected before the next Assizes, for the defraying the charges whereof, a Rate is to be made throughout each Rideing at the next Sessions.

That Pounds and Stocks, shall be Provided in each Towne, by the next Sessions, under the Penalty of forfeiting forty Shillings for each Towne.

[Sherreife. This to be ye last clause save one.]

That the High Shereife from year to year is a Justice of the Peace by Virtue of his Office.

[Towneshipps.]

The last Clause of Towneshipps relating to accions beginning where it is formerly expresst &c. shall be left out.

In the Second Clause Towne Meeteings are to bee written Towne Courts.

Whereas it is said the Peculier Constitutions of Townes, are to bee Confirmed within fouer monthes &c. it is to bee written at the next Court of sessions.

[Witnesses. What follows in ye Booke; this clause is to be left out.]

Every Witness in any accon may require due to him from the party att whose suite hee appeares two Shillings per Diem for every Dayes attendance, whether hee give in his Evidence voluntarily, or being served by Subpena, but unlesse a witnesse bee Served with Subpoena its in his Choice, whether hee appeares or not.

[In the Roslyn copy this follows:

And the Acknowledgment which shall bee reserved to bee paid for whales (or such like great ffish) cast upon the Shoare of any precinct shall bee the ffifteenth Gallon.

The goods of ffriends are by Warrant from the Governor and Councell, to bee restored to the Owners if any can bee found or Knowne.

These Alterations, Amendments and Additions are Allowed of and Confirmed by mee, anything the Lawes formerly made to the contrary, in anywise notwithstanding, Given under my hand at ffort James in New Yorke the 30th day of October 1665.

Richard Nicolls.]

[The following orders of the Assizes of Oct. 5, 1670, and October 7, 1671, are in the Roslyn copy, but not in the East Hampton copy.]

Severall Ordinances made & confirmed at Generall Court of Assizes held in New Yorke beginning on ye 5th & ending ye 8th Day of October in ye 22th yeare of his Majesties Reigne Annoq Domini 1670.

1st. Whereas Co.nplaint has beene made that severall Indians at ye East end of Long Island do Truck for & buy horses of Christians for their owne use which in tyme may prove very dangerous & pjudiciall to his Majesties Subjects in these parts; It is ordered by this Court that no Indians within this Government shall be permitted, to buy or keep any horses & if any have beene formerly bought by or sold to them. The Officers of each Respective Towne & plantacon more pticulerly those at ye East end of Long Island are to make enquiry hereof & cause

such Pson or Psons as have sold any Horse Mare or Colt unto ye Indians to take them back againe & give other satisfaction to them Equivolent with their Contract.

And if anyone shall hereafter presume to breake this Order ye Horse Mare or Colt so sold as aforesaid shall be forfeited to ye Pson that shall first give Information & make proof thereof, & ye Pson offending shall pay as a fyne To his Majestie ye Sume of Ten pounds over & above his Returning satisfaction to ye Indian or Indians to whom he sold them.

2. Whereas It hath beene Represented to this Court, That ye breed of Horses upon Long Island is much fallen to decay by reason of ye great numbers of small under sized horses that run in ye woods, It is ordered That ye Lawe made in this Corporation touching ye breed of Horses upon ye Manhatans Island be Recomended to ye Severall Towns upon Long Island, & that likewise as soone as conveniently it can it be put in Execution.

3. That ye Fees of Constable & Overseers in Towne Court, be Regulated by ye Laws in such Cases Establisht.

4. That ye Prices of Corn to be paid in ye Rates do remaine for this yeare ensueing as they have beene ye two preceeding yeares, for that a due Estimate cannot be made of what is requisite to be done therein untill ye old & New Sheriffe have brought in and Pfected their Accounts, ye which they are hereby strictly required to doe without any further or longer delay.

5. Whereas it is appointed in ye Laws Establisht within this Government, That all wills & Administracons Upon ye Estates of ye Deceased, having beene first proved & admitted in ye Court within whose Jurisdiction ye person doth happen to dye, shall be returned unto ye Office of Records in ye ffort at New Yorke, & being there Recorded Certificate thereof to be made, It is Ordered That ye Law in that Case provided be attended and Observed as well within ye Citty of New Yorke as other pts of ye Government any other Custome to ye contrary notwithstanding:

6. That ye Law for Recording of Deeds be put in Execution and ye penaltyes of having ye benefitt of Priority, if a later Deed shall be first recorded.

7. That ye order concerning Transportation of Deere Skins made at ye Last Court, of Assizes do remain in force till ye tyme lymitted do Expire & no longer.

8. That ye Laws concerning marriage bee strictly observed, ye breach whereof ye Officers in each respective Towne are to take notice, & returne an Account to ye Courts on which they depend, & if any Pson hath already beene, or hereafter shall be fyned for Contempt or disobedience herein, ye fynes are forthwith to be levyed by ye Sheriffe who hath hereby sufficient authority to do ye same.

9. Whereas at ye Generall Court of Assizes held in ye yeare 1666, It was ordered that all Townes or private Psons who held Lands or Houses within this Government, by Graunt or Patent from ye West India Company or any of ye Dutch Governors or upon pretence of purchase or Patent from any other Pson or Psons whether Indians or others should have them Renewed or Confirmed by ye Governor and ye Authority of his Royall Highnesse within a certaine tyme prescribed and ye penaltye in ye said Law sett forth, In obedience whereunto all Townes upon Long Island have had new Patents Except ye Townes of South Hampton Southhold and Oysterbay, who upon some Nicetyes or pretences have hitherto delayed to do ye Same, This Court doth order that ye said Three Townes do give in their Reasons to ye Governor in some short tyme upon what Account they do refuse or delay to do ye Same, contrary to ye Generall Rules & Orders Establisht, & in ye meantyme that all their Deeds of purchase Grants or Patents not confirmed as aforesaid shall be lookt upon as Invalid to all Intents & Purposes as is in ye book of Laws Specifyed.

10. That ye Officers of ye Severall Townes to whome Warrants shall be issued forthe by ye High Sheriffe to bringe in ye valuations of their Estates by a Certaine Tyme doe duely observe ye Same And ye penaltyes of a fyne to be Imposed upon them by ye next Court of Sessions or Assizes,

11. That ye Military List of ye Respective Townes within ye Government be returned in by ye Militarye Officer to ye Governor once every yeare, ye tyme to be at or before ye 29th of May and ye penalty of a fyne to bee Imposed by ye next Court of Sessions or Assizes.

12 That ye Traynings be likewise observed as in ye Law is prescribed, of which an Account is to be given to ye Court of Sessions under ye like penaltyes.

13. That ye Law for perambulation of ye bounds & lymitts of ye Towns be diligently attended under ye penalty in ye Laws prescribed, of which an Account is to be given to ye next Court of Sessions.

14 Whereas divers Complaints have beene made of ye great abuse of bringing Dead Hogs & Porke into this Citty, & it being not discernable how longe they have beene killed by reason too often brought frozen, & so not Capable of preserving by Salt which tends much to ye disreputation of that commodtye when sent abroad, & of ye Merchants who Expose it into warmer Clymates, For ye Reasons aforesaid, It is therefore ordered, That no Hogg or Hoggs shall be brought dead to this place either for Sale or payment of debts, Except it shall be in Caske well

Salted & Packed according to ye Lawe, otherwise Smoakt or dryed, of which all persons are to take notice as they will Answer ye Contrary at their perill.

15. Whereas ye works and Pallisadees about ye Fort in this Citty are very much fallen to decay, & it is found requisite & necessarye for ye safety of ye place & government that Some Reperations shall be made thereupon in ye Springe, It is Ordered, That a Contribution or Levye bee risen towards ye affecting thereof, in each of ye Rydings upon Long Island And ye Justices of ye peace at ye next Court of Sessions are to Consider both of ye proportion & manner of Rating it, whereof they are to make report to the Governour.

16. Whereas Severall Townes upon Long Island have made Complaint by way of Adresse of this Court desiring a Regulation thereof, That some Psons who have Lotts of Land in their Towne do make severall divisions thereof, and sell ye Same to divers poor inconsiderable Psons, who though they have but a Small Phc of a Lott, yett Expect to give their Votes in Towne Courts equall with ye best freeholders therein, ye which in tyme may prove to ye destruction of ye place, in that it will come to be governed by ye most & least concerned of ye Inhabitants, This Court doth thinke fitt to order, That each respective Towne so aggreived as aforesaid, do make their applications to ye Severall Courts of Sessions to ye which they do belonge who are hereby impowered, & authorized to give remedye herein.

By order of ye Governor & Court of Assizes.

Mathias Nicolls, Sec'y.

Orders made & Confirmed at ye Generall Court of Assizes held in New York beginning on ye 4th and ending on ye 7th day of October in ye 23th yeare of his Majesties Reigne; Annoq Dniin 1671.

Whereas diverse Applicacons have been made unto this Court from ye Inhabitants of severall Townes upon Long Island, representing ye great Abatement that hath happened in ye price of Horses & Mares between ye time that ye Lawes were Promulgated at Hempstead when ye first Assessment was Ordered, & their value at this present time, Horses & Mares now yielding not above Halfe soe much as they were worth then & yet they are still rated alike, Concerning the which, They have some Redress; The Court haveing taken ye Premisses into Consideration doe Order, In regard ye valluacons according to ye Law being already brought in, & no Provision made to supply ye Deficiency of ye Summe which by Consequence will be wanting

if an abatement according to ye present value of Horses & Mares should be allowed, that ye Rate for Horses & Mares as well as other Matters shall for this present yeare continue as heretofore; But in ye meantime think fitt that some Proposalls be prepared against ye severall Courts of Sessions to be held in the Month of June next, how to make the rate Equivalent if ye Peticoners Request shall be Granted; And ye Justices of ye peace making Reports thereof to ye next Generall Court of Assizes, there shall be such Order taken therein as will be thought most requisite, tending to ye good and Welfare of ye Goverment.

2. Whereas severall Peticons have been presented to ye Governor as well from this City of New Yorke as many parts of Long Island, requesting that ye Prohibicon for ye Exportacon of Corne might be taken off & that they might have Leave to send & dispose thereof at their pleasure for their best Advantage, ye which was recommended by his Honor to ye Justices of ye severall Courts, of Sessions held in June last, to inquire into & give their Judgments concerning ye probability of plenty or scarcity of Corne this present yeare (ye uncertainty whereof was ye primary Occasion of ye prohibition) ye which was accordingly done and Report thereof made unto ye Governour very satisfactory as to ye great Hopes and Expectacon of a plentiful Harvest, Yet notwithstanding it being since experimentally found that retayning such Grayne within the Government will prove to a Generall Good; inviting Strangers with Shipping in for Bread and Floure and ye price of wheat noe way abased, but be rather Augmented, soe consiquently can be noe prejudice of ye Inhabitants; The premisses being seriously Debated & maturely taken into consideration, the Court doth order that ye prohibition for the Exportacon of wheat in Grayne, as also of meal as it comes from ye Mill doe Continue untill ye next Generall Court of Assizes; And also that noe Person within this Government doe presume to Exporte any Wheat in Grayne or Meale undrest as it comes from ye Mill as aforesaid (without ye Governors Speciall Lycence under his hand and Seale for ye same) under ye penalty of Confiscacon of such quantyes of Wheat or Meale as shall be mett with all soe transporting, And noe Master of any Ship, Sloope Boate or Vessell shall take in any such Loading, under ye penalty of Confiscation of the said Loading as also of ye said Ship, Sloope Boate or Vessell soe Transgressing.

3. Whereas many complaints have been made, that notwithstanding ye publique Order of ye Government that all Vessells or Boats Loden with Goods or Merchandize should make Entry of their Vessells & Loading, & pay such customes as are setled by

Authority of his Royall Highness, & payable upon Customable Goods, ye which Orders are onely practised in this City, but neglected elsewhere; It is Ordered that all Boats, Sloops or Vessells coming into or going out of any of ye Portes upon Long Island, as well at ye East End thereof as in any other part doe make Entry of their vessells & Loading, & pay ye Customes and (as ye orders from ye Governor doe direct) unto such Officer or Officers as from time to time shall be appointed by ye Governor or ye Chiefe Officers of ye Customes into this place to take Cognizance of & receive the same; And that under ye penalty of forfeiture & confiscation of such Boate, Sloop, or Vessell Whensoever they can be mett with, according to ye Lawes & Customes in such Cases provided.

4. Whereas great Complaints have been made as well to ye Governor as unto this present Court of Assizes, that many of ye Constables upon Long Island, and ye Clarkes of ye severall Courts of Sessions, notwithstanding ye strictness of ye laws in such Cases provided, as also of severall Orders from the Governor reinforcing ye same, nevertheless divers of them have neglected to make up their severall Accounts with ye respective High Sheriffs, who successively have been in that Employment; in soe much as to this day They are thereby hindred, & disenabled from making up & clearing their Accounts as ye Law doth require, which proves a very great Dissatisfaction to ye Countrey in Generall as well as in perticular, to those who have according to their Duty performed their Trusts, yett lye under ye same Imputacon; It is therefore Ordered that ye Constables of ye Severall Townes of ye North & West Ridings doe before ye next Court of Sessions to be held in December clear their Accounts with ye Sheriffs, or at ye said Courts of Sessions; And ye Constables of ye East Riding doe ye like before ye Court of Sessions to be held in March next, under ye penalty that (in default thereof) their Estates be distreynd upon for ye same; And in case any of them be dead, and have not left wherewith to give Satisfaction then according to ye law that ye Towns to which they did belong do make payment in their Stead. And it is likewise Ordered that ye Clarkes of ye respective Courts of Sessions do also Clear their Accounts with ye Sheriffs aforesaid by ye time prefixed or at ye said courts under ye penalty of loosing their employments & being distreyned upon For what they shall be in Arreare.

By Order of ye Governor &
Court of Assizes,

Matthias Nicolls,
Secry.

It is ordered by ye Governor
that ye Courts of Sessions
to be held in ye North & West
Rideings this next Month
of December shall bee for
ye North on ye first
Wednesday, & for ye West
on ye second.

Matthias Nicolls, Sec'r.

[All of which follows is in the East Hampton copy only.]

Whereas Severall Explicacons and some Amendments in the Lawes are thought of present necessity to bee made for the good, and to the Satisfaccon of the Countrey, I have thought fitt to Communicate the Same underwritten unto you, and to Authorize you to Act therein, as by vertue of this my Speciall warrant, Untill such time as they may bee further Enacted and Confirmed at the next Generall Assizes, Given under my hand this 26th of February 1665.

RICHARD NICOLLS.

If the High Constable shall have no publick business at the Assizes or Sessions he may bee Excused from his attendance by any Justice of the Peace of the Riding to which hee belongs under the hand of the said Justice to bee produced in the Court.

All Originall Debts or Trespasses must bee of the vallew of five pounds or not tryable in Sessions.

Matters of Equity under five pounds may bee Tryed in Towne Courts, and if under twenty at the Sessions.

No Arrest is to bee made upon the Person of any one attending the publique businesse at the Assizes whether hee bee Plaintiffe Defendant Witnesse Juror or any publick Officer.

The Purchases of Lands under the Value of thirty Pounds are not obliged to bee Recorded at New Yorke.

That whereas its said in the Lawes, that implanted Lands shall pay 2s. 6d. for every Hundred Acres, as an acknowledgement to the Duke; Its to bee understood of Lands not formerly Planted.

That the Payments for Publick Rates in all Sorts of graine to bee according to the Price at the time and Place where it is payable.

Constables are to have a Competent allowance for the time they Spend in Searching and enquiring after the Estate of the Dead, to bee made by the Justice of the peace before whom hee shall take his Oath of the truth of what hee is to Deliver in Concerning the Estate.

That two pence in pound Allowed to Constables for Attachments and apprizement of Goods is to bee understood of Goods Distreyned.

That the apprizers of the Goods of any one Dying Intestate, shall have Satisfaction Allowed them by the Court of Sessions, at the time of their nomination.

That after the Rates shall be Levyed Publick Charges are first to be Defrayed.

That it bee left to the Consideration of the Justices of the Peace at the Severall Sessions in each Riding, whether two Sessions, and one Assizes, may not bee Sufficient for the businesse of the Countrey, and what will bee the most Convenient Season for holding the Courts.

Whether March and June will bee most proper for the Sessions, and October for the Assizes.

That the Sessions in the East Riding bee kept by turnes in the Townes of Southhampton and Southhold.

That Wills and Administrations of Estates under the vallew of one hundred Pounds, are not obliged to bee Recorded at New Yorke.

Wills to be proved and Administration granted in Sessions if the Estate bee under the value of one hundred pounds, shall pay one Shilling if one hundred pounds five Shillings and so proportionably five Shillings for each hundred pounds, towards the Defraying Court Charges.

That the Plaintiffe at the Entring of his Action shall Enter into Recognizance to pay one Dayes Cost of a Jury for each Action that shall bee brought to bee tryed at the Sessions or Assizes.

That whereas it's said in the Amendments of the Lawes, That all Graunts and Pattents are to bee brought in and renewed &c. Its to bee understood, that all old Grants which are to bee brought in, are to bee Confirmed and returned to the Parties. And where no Lawfull Graunts are, or that they bee Doubtfull, New and Legall Grants shall bee obtained.

RICHARD NICOLLS.

ADDICONS Amendments and explanacons of some things in the Lawes made and Confirmed at the Generall Court of Assizes held in New Yorke the 27th 28th & 29th Dayes of September and the 1st & 2nd Dayes of October Anno Domini 1666.

That insteed of the Salary of 20£ per Annum formerly Allowed to the Justices of the peace, their Charges shall from henceforth be bourne in their Attendance at the Court of Sessions or Assizes, as also all other extraordinary incident Charges, about publick affaires, an Estimate whereof is to be given in and allowed of yearely att the Assizes.

That the Justices of the Peace for the tyme to come are to pay their proportions to the Towne Rates to which they belong and are to bee excused onely from payments in the Rates for publique Charges.

That the present high Sherriffe is to be continued in his office until the next generall Assizes at which tyme hee is to give into the Court, true and perfect accompt, of all publique Receipts & Disburstments provided that this shall no wayes Infringe the privilege in the Law allowed to the North & West Ridings, of haveing each of them a Sherriffe in their Turnes after the expiration of the said tyme.

That the high Constable and under Sherriffe in each Riding shall after the last day in December bee dismissed and discharged, of their imployments when they are to Cleare up their accompts, with the high Sherriffe and the constable in each Towne are to collect this yeares Rate and all others for the future, and what shall be Collected by them is to remaine in their hands untill, the high Sheriffe shall give order for the disposing thereof towards the payments of Publique Charges, which shall become Due within their Respective Towne Shipps.

That the fees heretofore due to the high Constable and under Sherriffes shall bee added for this Year ensuing to the high Sherriffes fees.

In the Absence of a Justice of the peace or where no Justice of the peace Resides, upon extraordinary occation the Constable, and Overseers, shall have power to bind over an offender to the next Court of Sessions or assizes and to take Suertyes for their keeping the peace, or Commit such as are guilty of the breach thereof to prison If they shall see Cause.

That in Cases of Review at Sessions and appeale att the Assizes, new Evidences may be admitted of If the Court shall see Cause.

That for the tyme to come, there shall be held in each Riding but two Courts of Sessions in one yeare, the first to begin on

the first, second and third wednesdayes in March, the later on the first second and third wednesdayes in June, and the Generall Court of Assizes is hereafter to begin, upon the last wednesday in October.

To the end their may bee an orderly way of empanneling of Juryes in any of the Courts of Sessions where the high Sherriffe Cannot bee present, It is therefore ordered that the Clarkes of each Sessions shall bring in a list of what Causes are entred for tryall for Juryes, three Dayes att least before the Sessions is to bee held to any two of the Justices of the peace of the same Riding who under both their hands are impowered by warrant, (with equall Capacity as if the said warrant were signed by the high Sheriffe,) to Summon a Sufficient Jury or Juryes to attend the publique Service in the said Sessions.

That in all Cases to bee tryed, by Juryes at the Generall Court of Assizes the number of Jurors shall be Twelve but att the Severall Courts of Sessions, the same number is sufficient, as already in the Law is sett forth.

That the number of Overseers in each Towne shall before the first Tuesday in november, next bee Reduced to foure, and whereas election hath bene already made in the respective Townes of foure new overseers for this present yeare, two of them onely shall continue in theire places, and the other two shall be dismist, in like manner two of the old overseers, shall be dismissed, and the other two shall continue which choice of those, who shall keep in or be discharged of the imployment, shall be determined by the vote of the Major part of the Inhabitants of each Towne.

That the Constables and foure overseers shall for the tyme to come, have to all intents and purposes, the same power priviledges to act and to do in all matters Relating to their Towne affaires, as heretofore was in the Law allowed, to the number of eight, and that in Towne Courts the Constable and any two of them, have power to heare and decide all such matters as come within their cognizance, as formerly the Constable and foure of them might have done.

That att the tyme prescribed in the Lawes for Election of Constables and Overseers the two old overseers att present Continued shall be dismist, and two new ones are to be Chosen in their stead, and that from henceforth the Elections both for Constables and Overseers in each Towne shall be by the vote of the major part of the Inhabitants.

That in each towne Itt bee left to the vote of the Major part of the Inhabitants, whether att the Administration of ye Over-

seers into their places they shall take the oathes in the Lawes enjoyned, Alwayes provided that if any person of the towne or Stranger, have a Cause or Suit depending to bee tryed in that towne Court where the overseers are not sworne, in such cases that the person may have a lawful objection against their proceedings, unless the overseers objected against, do first take their oathes, which the Constable hath liberty to administer unto them.

That the publique Rates shall henceforth be payable att one Certayne tyme of the yeare which is to be att or before the last day of December, and the Constables haveing already sufficient Authority in the Law to make distress for non payment, they shall be lyable to make good for the Rates in their Townes, if any part shall be in arreare or unpayd after the tyme prescribed.

That the arreares of the former yeares Rates shall be payd into the Constables in every towne without further delay, in the Month of December next, with the present yeares Rate.

That the payment of the Rate for publique Charges shall bee made in Corne beefe or porke, att the price herein mentioned (that is to say) wheate not exceeding 5s. the bushell Rye and pease 4s: Indian Corne 3s. and oates 2s. 6d. beefe att 3d. and porke att 4d. per pound and no other payment shall bee allowed of.

That whosoever shall omitt, or Refuse to bring in the valluacons of their Estates to the Constables as is Required the Constable and overseers shall putt a vallue thereupon according to their discreations and destrayne for the same Accordingly.

That whosoever shall neglect or Refuse to obey a Speciall warrant under the Governours hand and Seale, shall bee lyable to such a fine, as the Court of Sessions or Assizes shall adjudge, according to the merritt of the Default.

That whosoever shall Reproach or Defame any Person or Persons, who have or shall Act in any publique Imployment, either in Court or otherwise or shall villifie their proceedings who serve the publique in this Goverñent by Authority under his Royall Highnes the Duke of Yorke, or whosoever hereafter shall any wayes Detract or speake against any of the Deputies signing the address, to his Royall Highnes, at the generall meeting att Hempsteed, they shall bee presented, to the next Court of Sessions, and if the Justices shall see Cause they shall from thence bee bound over, to the assizes their to Answer for the Slander, and upon plaint or Information.

Whereas in the Amendments or the Lawes formerly sett forth under the head (Marriage) It is said, that all persons are to bee accompted of fitt age to marry, when the man hath attained

to the age of 21 and the woman of 18 yeares, itt is to bee understood, of such persons onely as are under guardianshipp, and itt is not in any wayes to take of the naturall bounds of Duty and obligation which Children owe to their parents.

That the payment of Jurymen, shall bee by abatements in their Rates in the townes where they Inhabite which upon Certificate of their service from the Clarks of the Courts of Assizes or Sessions, shall bee allowed them by the Constable.

Whereas divers Complaints have bene made that notwithstanding, the penaltyes in the law sett forth severall persons do presume to sell liquors to the Indians whereby oftentimes greate Disorders are Committed, but what is done by them in that kinde is acted so privately that seldome any other proof thereof can bee made then by some of the Indians themselves, It is therefore ordered that although the testimony of Hethens against Christians may not altogether bee allowed, yet when it meets with other apparant circumstances, such as may bee sufficient to convince a Jury, in such cases the Indian Testimonyes, shall bee admitted as good proofes against the persons accused.

The Court haveing taken notice of the defects and faileings of both townes and persons in perticuler of not bringing in their grants or pattents to Receive a Confirmacon of them, or not comeing to take oute new grants where they are defective or where there are none at all, according to former directions in the law, As also takeing itt into their serious Consideracons that severall townes and persons within this Goverment as well English as Dutch do hould their Lands and houses upon the Conditions of being Subjects to the States of the united Belgicke Provinces, which is contrary to the Allegiance due to his Majestie, they do therefore order that all grants or pattents whatsoever formerly made shall bee brought in to bee confirmed, or Renewed by Authority of his Royall Highness the Duke of Yorke, and all such as have not pattents, shall likewise bee Supplied therewith, by the first day of Aprill next after the date hereof, after which tyme, neither Towne or private person whether English or Dutch, shall have Liberty, to plead any such old grants pattents or Deeds of purchase in Law, but they shall be looked upon as invalid to all intents and purposes.

By order of the Governour
and Court of Assizes,
MATTHIAS NICOLLS, Secr.

[In the East Hampton copy here follows an alphabetical index of the preceding laws, entitled "A table made May the 20th 1667."]

ORDERS made and Confirmed at the Generall Court of Assizes held in New Yorke begining on the 2nd & ending on the 7th Day of October in the 24th yeare of his Majesties Reigne, Anno Domini 1672.

1st. Whereas great Abuse hath been practized in the Goverment by private persons prosecuting their Servants with Hue and Cryes at the publick Charge, the Gayne whereof redounds only to themselves, It is from henceforth Ordered That the Charges of all Hue & Cryes shall bee borne by the respective persons concerned; for the better securing whereof Caution is to bee given by those who take them out & prosecute them unless in Cases of Criminalls, or upon Capitall Crimes where all Officers and others are obliged to use their Endeavour to secure them to bee brought to condigne punishment, which is to bee bourne at the publick Charge, if the person offending hath not wherewith to make Satisfaction.

2. Whereas it hath been taken into Consideration how great Abatement there is in the Rates of severall Townes upon the Account of Wolves discounted with the Constables, within whose Lymitts they are killed, so that the Summe to be collected doth not Answer the Expectation of the publick Charge, It is Ordered, that the Summe of Twenty five Shillings lately given for a Wolves head shall be reduced to twenty Shillings as formerly, & for Whelps proportionably, and that for the time to come for all Wolves which shall be killd within the Bounds of any Towne upon Long Island and parts adjacent, the one half of the Charge shall bee borne by the Towne, and tother by the Publick; It is also Ordered, That each Towne bee obliged for the preservacon of their Stock and Cattle to make and maintain Wolve pitts which are to bee directed by the respective Officers of the Townes to which they do belong.

3. Whereas frequent Complaints have been made of Servants who runn away from their Masters into other Goverments, for want of due Care & Examinacon of them by the Magistrates or Officers of the Townes, through which they pass, It is ordered, that if hereafter any Stranger or person unknown shall come to, or travill through any Towne or place within this Goverment without a Pass port or Certificate from whence hee came and whither he is bound, shall bee lyable to bee Seized upon by any Officer of the Towne or Place unto which hee comes, or through which he shall travaile, there to bee Secured untill hee can Cleare himselfe to bee a free Man, and shall defray the Charges of his Detention there, by his worke or Labour (if not otherwise able to give Satisfaction) in the best way and Manner he shall bee found capable.

4. Vpon its being represented to this Court that notwithstanding the postive Law and ye Severall Orders of Assizes and otnerwise That English Weights and Measures shall bee only used in thes his Royall Highness Territoryes, which had hitherto been respited for want of Measures for Liquids and due Standards, It is Ordered that the practice thereof bee noe longer delayed but the same putt in Execution by the 25th Day of March next under the penalty in the Law prescribed, or what shall further bee adjudged by the Governour and his Councell.

5. It is likewise Ordered, In regard of the great Inconvenience & Decay of Feed for Horses and Cattle in the Woods by the increase of the Bush or Under wood, which is suffred to grow up without any care taken to subdue the same, That four Dayes be appointed once every yeare for all the Inhabitants of the Townes upon Long Island and Precincts, from the Age of 16 to 60 (Except those exempted by the Law to go into the Woods to cutt the said Brush or Under wood) the time to bee at the discretion of the Officers of each Towne, and whosoever shall faile therein, each particular person shall pay for every dayes default the value of five Shillings.

6. That the Boundaryes of Townes be attended as the Law and their respective Patents doth direct, and that the Perambulacon bee made accordingly, in which if any Deficiency shall appear at either of the Courts of Sessions to bee held in the Month of June next, the Towne soe failing shall forfeite the Sume of Ten pounds to the Publick.

7. That the Lawes of the Goverment be duely observed as to parochiall Churches, and that although divers persons may bee of Different Judgments, yett all shall contribute to the Minister Establisht and allowed of, which is noe way judged to bee an Infringement of the Liberty of Conscience, to the which they may pretend.

8. That forasmuch as many and great Complaints have been made against Hogg Stealers, also against Stealers of Boats, Canooes, and their Appertenances, notwithstanding the strictness of the Lawes to the contrary, and Orders to reinforce the same, in the which divers having been found guilty, and have past the Censure of the Law, for a greater Terror to any Person, who shall for the future attempt to doe the like, It is Ordered that the person soe offending and convicted for the Same, shall for the first offence besides a fine to be imposed by the Court receive the Corporall punishment of haveing one of his Ears cutt off to bee an Example to all others, and for the next receive some more severe punishment, as the Court shall direct or Judge meet.

9. That the High Sheriffs upon Long Island, Constables, and Clarkes of Sessions who have not yet brought in their Accompts to bee audited and allowed of doe without further delay performe the same by the time wherein the next Court of Sessions is to bee held in the respective Ridings to the which they doe belong unto some Persons then to bee appointed to receive the same under the penalty in the Law sett forth, or such farther Mulct as shall be adjudged by the Governour and his Councell.

10. Whereas upon the extraordinary Occation of Restoration of the forte in the Citty of New Yorke, the which as recommended from the Governour, every Towne and Corporation within this Province, as also particular persons have by their free Consents and Subscriptions contributed towards the same, the collection whereof in the severall Townes in Countrey pay, by other than by themselves will bee found both inconvenient, troublesome, and of soe great Charge that it will not answer the End prescribed, the which having by most been hitherto soe well begunn & prosecuted, that it may have a happy Conclusion, It is thought fitt and ordered, That the Charge of Collecting and transmitting the Contribution aforesaid to this City or the ferry shall be borne by each respective Towne or distinct Person who hath subscribed the same, and that the Payment thereof bee made accordingly before the feast of Christmas next.

11. Whereas severall Applications have been made as well to his Honour the Governour as unto this Court, some representing the Convenience, others the Inconvenience of continuing the Prohibicon of the Exportacon of wheat in Grayne or Meale, the time limited for the same being now expired, upon due Consideration had hereupon, It is Ordered, That the Prohibition for the Transportation of Corne shall bee repealed, And it shall and may bee Lawfull for any man to transport Wheat in Grayne or Meale from any part of this Goverment to Boston or any other place, as long as the price currant of good Merchantable winter Wheat shall bee there 4s. 6d. and good Summer Wheat 4s. the Bushell or above in Silver, but that none presume to sell it abroad under that price, upon the penalty of forfeiture of the vallue of what shall bee soe disposed of; And if any Strangers shall come to buy Corne, the same shall not bee sold unto them under 4s. per Bushell or 3s. 6d. in Silver or Goods Equivalent under the like penalty as before, And that this Order bee in force for the space of one yeare, untill the Convenience or Inconvenience thereof shall appeare.

12. Whereas It is thought expedient that a certaine Regulation should bee made upon the Silver Coyne which passeth to

and fro in this Goverment by the Certainty of its vallue, It is Ordered, That a Boston Shilling shall pass for one Shilling, & a good piece of Eight of Spanish Coyne whether of Mexico, Sevill, or a pillar piece shall be vallued & goe for six Shillings in any payment either for Debt and Demands or purchasing of Goods and Merchandize between Man and Man.

By Order of the Governour
and Court of Assizes.

MATTHIAS NICOLLS, Secr.

[The following order is no longer in the Book of Duke's Laws at East Hampton. It is contained, however, in the New York Historical Society's copy, made in 1809, and this copy is made from that. It has probably been lost since that date.]

ORDERS made at the Generall Court of Assizes held in New Yorke, beginning on the 6th and ending on the 13th day of October in the 27th yeare of his Majesties Reigne Anno Domini 1675.

Vpon consideration of the Mischief that too frequently happens by carrying Liquors and goods to trade with the Indians at their Plantations, where in Case of Disorders or Abuses small reliefe can bee expected amongst them; It is ordered, that throughout the Goverment there bee noe Trading upon any Account with the Indians at their Plantations.

That the Law bee likewise observed which prohibits selling strong Liquors to the Indians in Yorkshire upon Long Island and Dependences.

And that pursuant to the Law, the Constables of the severall Townes take care noe Powder or Lead bee sold to the Indians but by them as directed, or by their consent.

The Proclamation sett forth by the Governour about Block Houses &c. being approved of, Its Ordered strictly to bee observed.

Vpon a Proposall whether it will not bee convenient at this juncture of time of the Indians Disturbance to the Eastward, to bring all Cannoes on the North side of Long Island to this place, or to have them all destroyed to prevent any Entercourse with the Indians on the Maine and our Indians or that these Canoes bee brought to the next Townes, and secured by the Officers; Its Resolved That all Canooes whatsoever belonging to Christians or Indians on the north side of Long Island to

the East of Hell-gate shall within three Dayes after the publication hereof bee brought to the next Towne and delivered into the Constables Custody to bee laid up and secured by them neare their Block Houses, And that whatever Canooe shall bee found upon the Sound after that time bee destroyed.

That the Indians at Mr. John Pells on Anne Hooks Neck bee ordered to remove within a fortnight to their Usuall Winter Quarters within Hell-gate upon this Island during which time Loaden Canooes which shall have Certificates from the Magistrates of the Place from whence they came expressing whether they are goeing shall be permitted quietly to passe along the Shore, except out of the Goverment, which in noe case is to bee allowed.

It being taken into Consideration whether it bee not proper to have English Weights and Measures to bee used according to the Law; It is Ordered that in three months after the publication thereof, the same shall be putt in practice in this City, Long Island, and parts adjacent; and in six months in all other parts throughout the Goverment; And that whosoever shall after that time presume to use any other Weights or Measures, shall forfeit all that they shall soe sell; and bee lyable to such further punishment for Contempt as the Case shall require.

The time of the Proclamations prohibiting the Exportation of Corne, and also that of floure, &c, being expired, the same being taken into consideration, and the Present Scarcity, It is Ordered, that the Prohibitions for the Exporting of Corne or floure doe still continue in force for the Terme of six Months after the Date hereof.

The payment in the Rates for Horses and Horse kinde, being recommended from the Towne of Southampton, and other Townes at the East end of Long Island to bee considered of whether not too high, It being soe much above the present value; Ordered that the Rates doe continue as they now are; And that all persons who have Horses upon Long Island doe within the space of six months prove their Horses before the Constable and Overseers, or Cheife Officers of the respective Townes to which they doe belong, and such as shall be fund unmarkt according to Law shall bee forfeited, the one halfe to his Royall Highnesse, the other halfe to the Towne to which they shall bee brought: And that noe person presume to marke any Horse or Colt, but before the Constable and Overseers, or Cheife Officer of the Place.

That all persons upon Long Island who have Estates from the value of 20£, to 100£. may keep one Breeding Mare, and noe more; And soe proportionably for every 100£, one. But may have as

many working Geldings or Horses of Size according to Law, as he shall have Occation of, and double the number in the woods.

That all Persons who are single, though but of 20£, Estate may keep one Gelding or Horse at home, and in the Woods proportionably.

Upon Complaint of the Great Abuse at the East end of Long Island in their Oyle Cask &c: It is Ordered that there bee a Sworne Gager and Tapper of Oyle in the respective Townes where the Whaling Design is followed. And upon the Peticon and Complaint of severall Coopers in those parts concerning the making of Oyle Cask, and great deceipt used by Stranger Coopers, It is likewise Ordered That noe Cooper shall bee admitted to make Caske without the Consent of the Magistrates and Officers of the respective Townes, and that the Sworne Gagers and Packers chosen and authorized according to Law, shall have the same Inspection of Oyle Cask, and viewing of Oyle, as for Beefe, Porke &c: and to have the same allowance; and the Defaults to incur the like Penalty.

The Oyle Cask or Barrells are to containe thirty-one Gallons and a halfe.

And that every Towne whom it doth or may concerne (if not now already provided) doe forthwith make a fitt Choice of a Gager and Packer to officiate as before according to Law: In Default whereof to answer it at their Perills.

The Church Affaires being taken into Consideration, and particularly the Maintenance of the Ministry, It is Ordered, that towards the Maintenance of the Ministry, besides the Usuall Countrey Rate, there shall bee a Double Rate levyed upon all those Townes that have not already a sufficient Maintenance for a Minister.

Upon Proposall of having a fayre and Markett in or neare this City, It is Ordered, That after this Season, there shall yearely bee kept a fayre and Markett at Breucklyn neare the ferry, for all Grayne, Cattle or other Produce of the Countrey, to bee held the first Munday, Tuesday, and Wednesday in November; and in the City of New Yorke, the Thursday, Friday and Saturday following.

Ordered, That in case there should happen a Warr with the Indyans in this Goverment (which God forbidd) for the better carrying on of the same one or more Rates shall be Levyed, according as there shall bee Occation, An accompt whereof to bee given to the following Court of Assizes.

Ordered, That in all Cases, the Magistrates through the whole Goverment are required to doe Justice to the Indians as well as Christians.

That by reason of the Separation by Water Staten Island shall have a Jurisdiction of itselfe; and to have noe farther dependance on the Courts of Long Island, nor on their Militia.

By order of the Generall Court of Assizes.

MATTHIAS NICOLLS, Secr.

NICOLLS' PROCLAMATION REVOKING THE DUTCH AND ESTABLISHING THE ENGLISH FORM OF GOVERNMENT, 1665.

[Richard Nicolls was appointed the first English governor of New York by a commission from the Duke of York in the year 1665. The original commission seems to have been lost, but it undoubtedly conferred upon the Governor the powers which were conferred by the Crown upon the Duke of York. The following proclamation, revoking the Dutch form of government in New York, and establishing the English Colonial government is copied from "The Documentary History of New York," arranged under direction of the Hon. Christopher Morgan, Secretary of State, by E. B. O'Callaghan, M. D., 1850, Vol. 1, p. 389.]

The Governors Revocation of ye fforme of Government of New Yorke under ye style of Burgomaster & Schepens.

By virtue of his Majesties Letters Pattents bearing date the 12th day of March in the 16th year of his Majesties Reigne, Granted to His Royall Highnesse, James Duke of Yorke wherein full & absolute power is given and granted to his Royall Highnesse or his Deputyes to Constitute, appoint, revoke & discharge all Officers both Civill & military, as also to alter & change all Names & styles fformes or Ceremonyes of Government: To the End that His Majesties Royall Pleasure may be observed & for the more Orderly establishment of his Majesties Royall authority, as near as may bee Agreeable to the Lawes and Customes of his Majesties Realme of England; upon Mature deliberacon & advice, I have thought it necessary to Revoke & discharge, and by these Presents in his Majesties Name, do revoke and discharge the fforme and Ceremony of Government of this his Majesties Towne of New Yorke, under the name or names, style or styles of Scout, Burgomasters & Schepens; As also, that for the future Administracon of Justice by the Lawes established in these the Territoryes of his Royall Highnesse wherein the welfares of all the Inhabitants and the Preservacon of all their due Rights and Priviledges, Graunted by the Articles of this Towne upon Surrender under his Majesties Obedience are concluded; I do further declare, That by a particular Commission, such persons shall be authorized to putt the Lawes in Execucon, in whose abilityes prudence & good affection to his Majesties Service and ye Peace and happinesse of this Government I have especial reason to put Confidence, which persons so constituted and appointed, shall bee knowne and called by the Name & Style of

Mayor Aldermen & Sherriffe, according to the Custome of England in other his Majesties Corporacons: Given under my hand & Seale at ffort James in New Yorke, this 12th day of June 1665.

Richard Nicolls.

RESTORATION OF DUTCH GOVERNMENT, 1673-74.

[When the city of New York was re-taken by the Dutch in 1673, the commanders of the fleet acting in behalf of the Lords States General and the Prince of Orange re-established the Dutch form of government by a proclamation or decree sometimes known as the "Benckes and Eversten's Charter," of which the following copy is found in Vol. 1, "Documentary History of New York," by E. B. O'Callaghan, M. D., 1850, at p. 390.]

The Commanders and Honble Council of War in the service of Their High Mightinesses the Lords States General of the United Netherlands and his Serene Highness the Lord Prince of Orange, etc. HEALTH!

WHEREAS We have deemed it necessary, for the advantage and prosperity of Our City New Orange, recently restored to the Obedience of the said High and Mighty Lord States General of the United Netherlands and his Serene Highness the Lord Prince of Orange, to Reduce the form of Government of this City to its previous character of Schout, Burgomasters and Schepens as is practised in all the Cities of our Fatherland, to the end that Justice may be maintained and administered to all good Inhabitants without Respect or Regard to persons; THEREFORE WE, by virtue of our Commission, in the names and on behalf of the High and Mighty Lords States General of the United Netherlands and his Serene Highness the Lord Prince of Orange, have elected from the Nomination exhibited by those in office as Regents of this City for the term of one current year,

As Schout	(Anthony de Millt.
As Burgomasters	(Johannes Van Brugen, (Johannes de Peyster, (Egedius Luyck.
As Schepens	(Willem Beeckman, (Jeronimus Ebbyng, (Jacob Kip, (Louwerens Vander Spiegel, (Geleyn Verplanck.

Which above named Schout Burgomasters and Schepens are hereby authorized and empowered to govern the Inhabitants of this City, both Burghers & Strangers conformably to the Laws

and Statutes of our Fatherland, and to make therein such orders as they shall find advantageous and proper to this City [Here the paper is destroyed.] And the Inhabitants of this City are well and strictly ordered and enjoined to respect & honour the above named Regents in their respective qualities, as all Loyal and Faithful Subjects are bound to do. Done ffortress Willem Hendrick, this 17th August Ao. 1673.

(Was Signed)

Cornelius Eversten, the Younger

Jacob Benckes A. Colve.

Nicolaas Boes A. F. Van Zeyll.

COLVE'S CHARTER.

[The following instructions, sometimes known as "Colve's Charter" because granted by Colve, governor general of the province, have been translated and published in Documentary History of New York by E. B. O'Callaghan, Vol. 1, p. 392. The province continued under Dutch government until June 26, 1674, when, pursuant to treaty, it was restored to the English.]

Provisional Instruction for the Schout, Burgomasters and Schepens of the City of New Orange.

1st. The Schout and Magistrates, each in his quality shall take care that the Reformed Christian Religion conformable to the Synod of Dordrecht shall be maintained, without suffering any other Sects attempting any thing contrary thereto.

2. The Schout shall be present at all Meetings and preside there, unless the Honble. Heer Governour or some person appointed by him be present who then shall preside, when the Schout shall rank next below the youngest acting Burgomaster. But whensoever the Schout acts as Prosecutor on behalf of Justice or otherwise, having made his complaint, he shall then rise up and absent himself from the Bench during the deciding of the case.

3. All matters appertaining to the Police, Security, and Peace of the Inhabitants, also to Justice between man and man, shall be determined by final Judgment by the Schout, Burgomasters and Schepens aforesaid to the amount of Fifty Beavers and under, but in all cases exceeding that sum, each one shall be at liberty to appeal to the Heer Governour General & Council here.

4. All Criminal offences which shall be committed within this City and the Jurisdiction thereof shall be amenable to the Judicature of said Schout, Burgomasters and Schepens who shall have power to judge and sentence the same even unto DEATH inclusive; provided and on condition, that no sentence

of corporal punishment shall be executed unless the approval of the Heer Governour General and Council shall be first sought and obtained therefor.

5. The Court shall be convoked by the President Burgomaster who shall, the night before, make the same known to Capt. Willem Knyff, (who is hereby provisionally qualified and authorized to be present at and preside over the Court in the name and on the behalf of the Hr. Governour,) and so forth to the remaining Schout, Burgomasters and Schepens.

6. All motions shall be put by the first Burgomaster, whose proposition being made and submitted for consideration, the Commissioner there presiding in the name of the Hr Governour shall first vote there, and so afterwards the remaining Magistrates each according to his rank; and the votes being collected, it shall then be concluded according to plurality; But if it happen that the votes are equal, the President shall then have power to decide by his vote, in which case those of the contrary opinion as well as those of the minority may Register their opinions on the Minutes, but not publish the same in any manner out of the Court on pain of arbitrary Correction.

7. The Burgomasters shall change Rank every half year, wherein the oldest shall first occupy the place of President and the next shall follow him; but during this current Year the change shall take place every 4 months, since three Burgomasters are appointed for this year.

8. The Schout, Burgomasters and Schepens shall hold their Session and Court Meeting as often as the same shall be necessary, on condition of previously appointing regular days therefor.

9. The Schout, Burgomasters and Schepens shall have power to enact, and with the approbation of the Hr. Governour to publish and affix some Statutes, Ordinances and Placards for the Peace, Quiet and Advantage of this City and the inhabitants thereof within their district, provided that the same do not in any wise conflict, but agree, as much as possible, with the Laws and Statutes of our Fatherland.

10. Said Schout, Burgomasters and Schepens shall be bound rigidly to observe and cause to be observed the Placards and Ordinances of the Chief Magistracy, and not to suffer any thing to be done contrary thereto, but proceed against the Contraveners according to the tenor thereof; and further promptly execute such orders as the Heer Governour General shall send them from time to time.

11. The Schout, Burgomasters & Schepens shall be also bound to acknowledge their High Mightinesses the Lords States General of the United Netherlands and his Serene Highness the Lord

Prince of Orange as their Sovereign Rulers, and to maintain their High Jurisdiction, Right and Domain in this Country.

12. The election of all inferior officers and servants in the employ of said Schout, Burgomasters and Schepens shall, with the sole exception of the Secretary, be made and confirmed by themselves.

13. The Schout shall execute all judgments of the Burgomasters and Schepens, without relaxing any, unless with the advice of the Court, also take good care that the jurisdiction under his authority shall be cleansed of all Vagabonds, Whorehouses, Gambling houses and such impurities.

14. The Schout shall receive all fines imposed during his time, provided they do not exceed yearly the sum of Twelve hundred Guilders Seawant value which, having received he shall enjoy the just half of all the other fines, on condition that he presume neither directly nor indirectly to compound with any criminals, but leave them to the judgment of the Magistrates.

15. The Schout, Burgomasters and Schepens aforesaid shall convoke an Assembly on the 11th day of the month of August, being eight days before the Election of new Magistrates, and in presence of the Commissioner to be qualified for that purpose by the Honble Governr General, nominate a double number of the best qualified honorable and wealthy persons, and only such as are of the Reformed Christian Religion, or at least well affected towards it, as Schout, Burgomasters and Schepens aforesaid, which nomination shall be handed and presented folded & sealed, on the same day, to his Honor; from which nomination the Election shall then be made by his Honor on the 17th day of the month of August, with continuation of some of the old Magistrates, in case his Honor shall deem the same necessary. Done, Ffort Willem Heindrick the 15th January 1674.

By Order of the Honble Heer
Governr General of
New Netherland,

(Was signed) N. Bayard, Secrety.

SECOND GRANT TO THE DUKE OF YORK, 1674.

[In a statement of the right of the colony of New York, with respect to its eastern boundary on the Connecticut river, contained in the Journal of New York General Assembly, March 8, 1773, p. 92, is the following declaration: "To remove any doubt of the validity of the Duke's title, either from the want of seizin in the Crown when it originated, or on account of the intermediate conquests by the Dutch, it was confirmed to His Royal Highness by further letters patent, dated 29th day of June 1674." The confirmation of the grant is recorded in volume 1 of Deeds, in office of New York Secretary of State, at p. 1. The following copy of a portion of the charter was made from a copy of the confirmation con-

tained in a "Report of the Regents of the University on the boundaries of the State of New York," transmitted to the Legislature, May 28, 1873, at p. 21.]

CHARLES THE SECOND BY THE GRACE Of God, King of England, Scotland, France and Ireland, Defender of the ffaith, &c, TO ALL TO WHOM these presents shall come Greeting; KNOW YEE, that wee for divers good causes and consideracons, HAVE of our especiall Grace, certaine knowledge and meer motion, GIVEN and granted, and by these presents, for us, our Heirs and Successors Do give and graunt unto our Dearest Brother, JAMES DUKE OF YORKE, his Heirs and Assignes, ALL that part of the Maine Land of New England, begining at a certaine place called or knowne by the name of St Croix next adjoyning to New Scotland in America; and from thence extending along the Sea-Coast, unto a certaine place called Petuaquine or Pemaquid, and so up the River thereof, to the furthest head of the same, as itt tendeth Northwards, and extending from the River of Kinebeque and so upwards by the shortest Course to the River Canada Northwards; And all that Island or Islands, commonly called by the severall name or names of Matowacks or Long Island, scituate and being towards the West of Cape Cod, and the narrow Higansetts, abutting upon the Maine Land, between the two Rivers there, called or known by the severall names of Conecticutt and Hudsons River, together also with the said River called Hudsons River, and all the Land from the west side of Conecticutt River, to the East side of Delaware Bay; And also all those severall Islands, called or known by the names of Martin-Vineyards and Nantukes, otherwise Nantuckett; Together with all the Lands, Islands, Soiles, Rivers, Harbors, Mines, Mineralls, Quarryes, woods, Marshes, waters, Lakes, ffishings, Hawking, Hunting & ffowling; And all other Royalties, proffits, Commodities and Hereditamts, to the said severall Islands, Lands and premisses, belonging and appertaining, with their and every of their Appurtenances, and all our Estate, Right, Title, & Interest, benefit and advantage, Claime and demand, of, in or to the said Lands or premisses, or any part or parcell thereof; And the Revercon and Revercons, remainder & remaindrs, together with the yearly and other Rents, Revenues and Proffitts of the premisses, and of every part and Parcell thereof; TO HAVE AND TO HOLD, etc. [continuing substantially the same as in the grant of 1664].

IN WITNESSE whereof wee have caused these our Letters to bee made patents, witnesse our selfe at westm. the 29th day of June, in the 26th yeare of our Reigne.

14 PIGOTT.

COMMISSION OF MAJOR EDMUND ANDROS TO BE GOVERNOR OF NEW YORK, 1674.

[Copied from Doc. Rel. to Col. Hist. of N. Y., III, p. 215. The original is in London, in New York Papers, I, 171.]

James Duke of Yorke and Albany, Earle of Ulster, &c Whereas it hath pleased ye King's most Excellent Majesty my Soveraigne Lord and brother by his Letters Patents to give and grant unto Mee and my heyres and assigns all that part of ye Maine Land of New England beginning at a certaine place called or knowne by ye name of St Croix next adjoyneing to New Scotland in America and from thence extending along ye sea Coast unto a certaine place called Pemaquin or Pemaquid and soe up the River thereof to ye furtherest head of the same, as it tendeth Northwards and extending from thence to the River Kinebequi and soe upwards by ye shortest course to ye River Canada northwards. And also all that Island or Islands comonly called or knowne by ye severall names of Matawocks or Long Island scituate lying and being towards ye West of Cape Codd and ye Narrow Higansetts abutting upon ye maine land between ye two rivers there called or knowne by ye severall names of Conecticut and Hudsons River together also with ye said river called Hudsons River and all ye land from ye West side of Conecticut river to ye East side of Delaware Bay, and also all those severall Islands called or knowne by ye name of Martine Vynyards and Nantukes otherwise Nantukett, together with all the Lands islands soiles rivers harbours mines mineralls quarryes woods marshes waters lakes fishings hawking hunting and fowling and all royaltyes and proffits comodityes and hereditaments to ye said severall islands lands and premisses, belonging and apperteyneing with their and every of their appurtenancies: To hold ye same to my owne proper use and behoofe with power to correct punish pardon govern and rule ye inhabitants thereof by my selfe or such deputyes Comissrs or officers as I shall think fitt to appoint, as by his Majesties said Letters Pattents may more fully appeare. And whereas I have conceived a good opinion of the integrity prudence ability and fitnesse of Major Edmund Andros to be employed as my Lieutenant there, I have therefore thought fitt to constitute and appoint him ye said Major Edmund Andros to bee my Lieutenant and Governour within ye lands islands and places aforesaid to performe and execute all and every ye powers which are by ye said letters Patents graunted unto Mee to be executed by Me my Deputy Agent or Assignes To have and to hold ye said place of Lieutennant and Governour unto him ye said Edmund Andros Esqr but dureing my will and pleasure only, Hereby willing and requireing all and every ye inhabitants of ye said lands islands and places to give obedience unto him ye

said Edmund Andros Esqr in all things according to ye tenure of His Majesties Letters Patents. And ye said Edmund Andros Esqr to observe follow and execute such orders and directions as he shall from time to time receive from myselfe. Given under my hand and seale at Windsor this first of July 1674.

James.

By command of His
Royall Highness

Jo: Werden.

ORDER TO PUT THE DUKE'S LAWS IN FORCE IN NEW YORK, 1674.

[Copied from Doc. Rel. to Col. Hist. of N. Y. III, p. 226. The original is in London in New York Entries, CLI, 15.]

Whereas there are hereunto annexed certaine Laws established by authority of His Majesties Lres Pattents graunted to me and digested into one volume for ye publique use of all ye territories in America under my government collected out of ye severall laws in other His Majesties American Colonies and Plantacons, upon perusall and consideracon of which it appeares that there may be an occasion to make some alteracon or amendments in some particular clauses thereof; These are therefore to authorize and require you to put in execucon ye said laws, except such as shall have apparent inconveniences in them; and after your settlement at New York, with ye advice and helpe of your Councell carefully to peruse and consider ye same, and if you finde it necessary for ye ease and benefitt of ye people and ye good of my service to make any alteracons, addicons or amendments in ye said laws, you are with ye first opportunity to represent ye same unto me, to ye end you may receave from me such orders and direccons as shalbe necessary for authorizeing you to put ye same in execucon. And for soe doeing ys shalbe your Warrant Given under my hand at Windsor ys 6. day of August 1674.

To Major Andros my Lt. and
Governor of New York.

PROCLAMATION OF GOVERNOR ANDROS, 1674.

[Copied from Doc. Rel. to Col. Hist. of N. Y., III, p. 227. The original is in London in New-York, C. D. C., 72.]

The first Proclamacon Confirming Rights & Propertys.
By the Governour

Whereas it hath pleased his Majesty and his Royall Highnesse to send me with authority to receive this place and Government from the Dutch and to continue in the command thereof under his royall Highnesse who hath not only taken care for our future

safety and defence but alsoe given me his commands for securing the rights and propertys of the inhabitants and that I should endeavour by all fitting means the good and welfare of this Province and dependencys under his government, That I may not be wanting in any thing that may conduce thereunto and for the saving of the trouble and charge of any coming heither for the satisfying themselves in such doubts as might arise concerning their rights and propertys upon this change of government and wholly to settle the minds of all in Generall I have thought fitt to publish and declare. That all former grants priviledges or concessions heretofore granted and all estates legally possessed by any under his Royall Highnesse before the late Dutch government, As also all legall, judiciall proceedings during that government to my arrivall in these parts are hereby confirmed; And the possessors by virtue thereof to remain in quiet possession of their rights. It is hereby further declared that the known Book of Laws formerly establisht and in force under his royall highnesse government is now again confirmed by his Royall Highnesse the which are to be observed and practised together with the manner and time of holding Courts therein menconed as heretofore. And all Magistrates and Civill Officers belonging thereunto to be chosen and establisht accordingly.— Given under my hand in New York this ninth day of November in the twenty sixth year of his Majesties reign annoq; Domini 1674.

E. Andros.

Secryes Office Province of New Yorke

This is a true copy taken from the record of the book of entrys begunn October the 31th 1674 pag. 13th at the request of the Mayor & Aldermen of New York, this seventh day of July 1698:, Exaiat & comparat p

(Signed) David Jamison Secry.

INSTRUCTIONS TO GOVERNOR DONGAN, 1683.

[The portion of the instructions relating to the enactment of laws is copied from Doc. Rel. to Col. Hist. of N. Y. III, p. 331. The original is in London, in New-York Entries, CLI, 41.]

Instructions for Coll Thomas Dongan Lt. and Govr. of New Yorke and its Dependencyes in America.

With these Instruccons you will receive a Commission undr my hand and seale constituteing you my Lt and Govr of New Yorke & it's Dependencyes in America.

* * * * * * *

You are also with advice of my Councill with all convenient speed after your arrivall there, in my name to issue out Writts

or warrants of Sumons to ye severall Sheriffes or other proper Officers in every part of your said governement wherein you shall expresse that I have thought fitt that there shall be a Generall Assembly of all the Freeholders, by the persons who they shall choose to represent them in order to consulting with yourselfe and the said Councill what laws are fitt and necessary to be made and established for the good weale and governement of the said Colony and its Dependencyes, and of all the inhabitants thereof, & you shall issue out the said Writt or Sumons at least thirty dayes before the time appointed for ye meeting of the said Assembly, which time and alsoe the place of their meeting (which I intend shal be in New Yorke) shall alsoe be menconed & expressed in the said Writt or Sumons, and you with advice of my said Councill are to take care to issue out soe many writts or sumons and to such officers, in every part, not exceeding eighteene, soe that the planters or Inhabitants of every part of ye said governement may have convenient notice thereof and attend at such ellection, if they shall thinke fitt. And when the said Assembly soe elected shalbe mett at ye time and place directed, you shall lett them know that for the future it is my resolucon that ye said Generall Assembly shall have free liberty to consult and debate among themselves all matters as shall be apprehended proper to be established for laws for the good governement of the said Colony of New Yorke and its Dependencyes, and that if such laws shalbe propounded as shall appeare to mee to be for the manifest good of the Country in generall and not prejudiciall to me, I will assent unto and confirme them In the passing and enacting of all such laws as shalbe agreed unto by the said Assembly, which I will have called by the name of the Generall Assembly of my Colony of New Yorke and its Dependencyes wherein the same shalbe (as I doe hereby ordaine they shalbe) presented to you for your assent thereunto.

You are to consider whether ye same be for the generall good and not prejudiciall to me; and if you find them soe to be, then you are to give your assent thereunto. But if you shall judge them inconvenient or prejudiciall, you are to refuse your assent thereunto, and in all cases you are to have a negative voice to refuse all Laws that are presented to you; and when you shall have given your consent to such laws as shalbe soe agreed, you shall by the first opportunity transmitt the same to me under ye hands of your selfe and Councill, and under the seale of the Colony, (which you are to use in passing of grants) to ye end that I may ratifye and confirme ye same, if I shall approve or reject them if I doe not thinke them

reasonable. But the said laws soe assented unto by you, shalbe good and binding untill such time as I shall cause my dislike of & refusall to passe them to be signifyed unto you, and from thenceforth ye same shall cease and be null and voyd to all intents. And I doe alsoe give you power from time to time to cause ye said Generall Assembly to be summoned which I also authorize you to adjourne or dissolve as you shall see reason and cause. And I doe further direct you not to passe any law upon any occasion whatsoever for rayseing any publique revenue, unlesse expresse mencon be made therein that the same is levyed and granted unto me, or unto me for ye support of ye Governement or to such uses as the said law shall appoint. And you are as much as in you lyeth to take effectuall care that there may be a constant Establishment for raiseing of money sufficient to support and maintaine ye charge of the government of those parts both Civil & Military; and alsoe that there may be money raised for paying and dischargeing the arreares now due to ye Officers & Soldiers and other expenses of the government, And are not to suffer any publique money whatsoever to be issued or disposed of otherwise then by a warrant under your hand.

And it is my expresse will and pleasure that all laws whatsoever for the good governement and support of my said Colony of New Yorke with its Dependencyes be made indefinite and without limitacon of time, except the same be for a temporary end, & which shall expire and have its full effect within a certaine time. And you are not to passe any laws or doe any act by Graunt, Settlement or otherwise whereby my revenue may be remitted, lessened or impaired, without my especiall leave or commands therein. You shall not displace any of ye Judges Justices Sheriffes or other Officers or Ministers within New Yorke or its Dependencyes under your governement without good cause, nor execute your selfe or by a Deputy any of ye said offices nor suffer any person to execute more offices than one by a Deputy.

And I doe hereby require and command you that noe mans life, member, freehold, or goods, be taken away or harmed in any of the places under your governement but by established and knowne laws not repugnant to but as nigh as may be agreeable to the laws of the kingdome of England.

* * * * * * *

Given under my hand at St. James's the 27th day of January 1682-3

FIRST GENERAL ASSEMBLY, HELD AT FORT JAMES IN THE CITY OF NEW YORK.

First Session Beginning October 17, 1683.

[CHAPTER 1.]

[The title of this act is misleading. It is not a charter from the Duke of York but is merely an act of the Colonial legislature. The original is not in the office of the Secretary of State. This copy was made from the manuscript compilation of the "Dongan laws," formerly in the office of the Secretary of State, but now in the New York State Library. That the act was received by the Board of Trade, on February 17, 1684, appears from the transcript of the Journal thereof in Doc. Rel. to Col. Hist. of New York, III, p. 354. The act was vetoed by the King, March 3, 1684. For copy of veto, see Doc. Rel. to Col. Hist. of New York, III, p. 357.]

THE CHARTER of Libertyes and priviledges granted by his Royall Highnesse to the Inhabitants of New Yorke and its Dependencyes.

[Passed, October 30, 1683.]

ffOR The better Establishing the Government of this province of New Yorke and that Justice and Right may be Equally done to all persons within the same

BEE It Enacted by the Governour Councell and Representatives now in Generall Assembly mett and assembled and by the authority of the same.

THAT The Supreme Legislative Authority under his Majesty and Royall Highnesse James Duke of Yorke Albany &c Lord proprietor of the said province shall forever be and reside in a Governour, Councell, and the people mett in Generall Assembly.

THAT The Exercise of the Cheife Magistracy and Administracon of the Government over the said province shall bee in the said Governour assisted by a Councell with whose advice and Consent or with at least four of them he is to rule and Governe the same according to the Lawes thereof.

THAT in Case the Governour shall dye or be absent out of the province and that there be noe person within the said province Comissionated by his Royal Highnesse his heires or Successours to be Governour or Comander in Cheife there That then the Councell for the time being or Soe many of them as are in the Said province doe take upon them the Administracon of the Governour and the Execucon of the Lawes thereof and powers and authorityes belonging to the Governour and Councell the

first in nominacon in which Councell is to preside untill the said Governour shall returne and arrive in the said province againe, or the pleasure of his Royall Highnesse his heires or Successours Shall be further knowne.

THAT According to the usage Custome and practice of the Realme of England a sessions of a Generall Assembly be held in this province once in three yeares at least.

THAT Every ffreeholder within this province and ffreeman in any Corporacon Shall have his free Choise and Vote in the Electing of the Representatives without any manner of constraint or Imposicon. nd that in all Eleccons the Majority of Voices shall carry itt and by freeholders is understood every one who is Soe understood according to the Lawes of England.

THAT the persons to be Elected to sitt as representatives in the Generall Assembly from time to time for the severall Cittyes townes Countyes Shires or Divisions of this province and all places within the same shall be according to the proporcon and number hereafter Expressed that is to say for the Citty and County of New Yorke four, for the County of Suffolke two, for Queens County two, for Kings County two, for the County of Richmond two for the County of West Chester two.

for the County of Ulster two for the County of Albany two and for Schenectade within the said County one for Dukes County two, for the County of Cornwall two and as many more as his Royall Highnesse shall think fitt to Establish.

THAT All persons Chosen and Assembled in manner aforesaid or the Major part of them shall be deemed and accounted the Representatives of this province which said Representatives together with the Governour and his Councell Shall forever be the Supreame and only Legislative power under his Royall Highnesse of the said province.

THAT The said Representatives may appoint their owne Times of meeting dureing their sessions and may adjourne their house from time to time to such time as to them shall seeme meet and convenient.

THAT The said Representatives are the sole Judges of the Qualificacons of their owne members, and likewise of all undue Eleccons and may from time to time purge their house as they shall see occasion dureing the said sessions.

THAT noe member of the general Assembly or their servants dureing the time of their Sessions and whilest they shall be goeing to and returning from the said Assembly shall be arrested sued imprisoned or any wayes molested or troubled nor be compelled to make answere to any suite, Bill, plaint, Declaracon or otherwise, (Cases of High Treason and felony only Excepted)

provided the number of the said servants shall not Exceed three.
THAT All bills agreed upon by the said Representatives or the Major part of them shall be presented unto the Governour and his Councell for their Approbacon and Consent All and Every which Said Bills soe approved of Consented to by the Governour and his Councell shall be Esteemed and accounted the Lawes of the province, Which said Lawes shall continue and remaine of force untill they shall be repealed by the authority aforesaid that is to say the Governour Councell and Representatives in General Assembly by and with the Approbacon of his Royal Highnesse or Expire by their owne Limittacons.
THAT In all Cases of death or removall of any of the said Representatives The Governour shall issue out Sumons by Writt to the Respective Townes Cittyes Shires Countryes or Divisions for which he or they soe removed or deceased were Chosen willing and requireing the ffreeholders of the Same to Elect others in their place and stead.
THAT Noe freeman shall be taken and imprisoned or be disseized of his ffreehold or Libertye or ffree Customes or be outlawed or Exiled or any other wayes destroyed nor shall be passed upon adjudged or condemned But by the Lawfull Judgment of his peers and by the Law of this province. Justice nor Right shall be neither sold denyed or deferred to any man within this province.
THAT Noe aid, Tax, Tallage, Assessment, Custome, Loane, Benevolence or Imposicon whatsoever shall be layed assessed imposed or levyed on any of his Majestyes Subjects within this province or their Estates upon any manner of Colour or pretence but by the act and Consent of the Governour Councell and Representatives of the people in Generall Assembly mett and Assembled.
THAT Noe man of what Estate or Condicon soever shall be putt out of his Lands or Tenements, nor taken, nor imprisoned, nor disherited, nor banished nor any wayes distroyed without being brought to Answere by due Course of Law.
THAT A ffreeman Shall not be amerced for a small fault, but after the manner of his fault and for a great fault after the Greatnesse thereof Saveing to him his freehold, And a husbandman saveing to him his Wainage and a merchant likewise saveing to him his merchandize And none of the said Amerciaments shall be assessed but by the oath of twelve honest and Lawfull men of the Vicinage provided the faults and misdemeanours be not in Contempt of Courts of Judicature.
ALL Tryalls shall be by the verdict of twelve men, and as neer as may be peers or Equalls And of the neighbourhood and in the County Shire or Division where the fact Shall arise or grow

Whether the Same be by Indictment Infermacon Declaracon or otherwise against the person Offender or Defendant.

THAT In all Cases Capitall or Criminall there shall be a grand Inquest who shall first present the offence and then twelve men of the neighbourhood to try the Offender who after his plea to the Indictment shall be allowed his reasonable Challenges.

THAT In all Cases whatsoever Bayle by sufficient Suretyes Shall be allowed and taken unlesse for treason or felony plainly and specially Expressed and menconed in the Warrant of Committment provided Alwayes that nothing herein contained shall Extend to discharge out of prison upon bayle any person taken in Execucon for debts or otherwise legally sentenced by the Judgment of any of the Courts of Record within the province.

THAT Noe ffreeman shall be compelled to receive any Marriners or Souldiers into his house and there suffer them to Sojourne, against their willes provided Alwayes it be not in time of Actuall Warr within this province.

THAT Noe Comissions for proceeding by Marshall Law against any of his Majestyes Subjects within this province shall issue forth to any person or persons whatsoever Least by Colour of them any of his Majestyes Subjects bee destroyed or putt to death Except all such officers persons and Soldiers in pay throughout the Government.

THAT from hence forward Noe Lands Within this province shall be Esteemed or accounted a Chattle or personall Estate but an Estate of Inheritance according to the Custome and practice of his Majesties Realme of England.

THAT Noe Court or Courts within this province have or at any time hereafter Shall have any Jurisdiccon power or authority to grant out any Execucon or other writt whereby any mans Land may be sold or any other way disposed off without the owners Consent provided Alwayes That the issues or meane proffitts of any mans Lands shall or may be Extended by Execucon or otherwise to satisfye just debts Any thing to the Contrary hereof in any wise Notwithstanding.

THAT Noe Estate of a feme Covert shall be sold or conveyed But by Deed acknowledged by her in Some Court of Record the Woman being secretly Examined if She doth it freely without threats or Compulsion of her husband.

THAT All Wills in writeing attested by two Credible Witnesses shall be of the same force to convey Lands as other Conveyances being registered in the Secretaryes Office within forty dayes after the testators death.

THAT A Widdow after the death of her husband shall have her Dower And shall and may tarry in the Cheife house of

her husband forty dayes after the death of her husband within which forty dayes her Dower shall be assigned her And for her Dower shall be assigned unto her the third part of all the Lands of her husband dureing Coverture, Except shee were Endowed of Lesse before Marriage.

THAT All Lands and Heritages within this province and Dependencyes shall be free from all fines and Lycences upon Alienacons, and from all Herriotts Ward Shipps Liveryes primer Seizins yeare day and Wast Escheats and forfeitures upon the death of parents and Ancestors naturall unaturall casuall or Judiciall, and that forever; Cases of High treason only Excepted.

THAT Noe person or persons which professe ffaith in God by Jesus Christ Shall at any time be any wayes molested punished disquieted or called in Question for any Difference in opinion or Matter of Religious Concernment, who doe not actually disturb the Civill peace of the province, But that all and Every such person or persons may from time to time and at all times freely have and fully enjoy his or their Judgments or Consciencyes in matters of Religion throughout all the province, they behaveing themselves peaceably and quietly and not useing this Liberty to Lycentiousnesse nor to the civill Injury or outward disturbance of others provided Alwayes that this liberty or any thing contained therein to the Contrary shall never be Construed or improved to make void the Settlement of any publique Minister on Long Island Whether Such Settlement be by two thirds of the voices in any Towne thereon which shall alwayes include the Minor part Or by Subscripcons of perticuler Inhabitants in Said Townes provided they are the two thirds thereon Butt that all such agreements Covenants and Subscripcons that are there already made and had Or that hereafter shall bee in this Manner Consented to agreed and Subcribed shall at all time and times hereafter be firme and Stable And in Confirmacon hereof It is Enacted by the Governour Councell and Representatives; That all Such Sumes of money soe agreed on Consented to or Subscribed as aforesaid for maintenance of said publick Ministers by the two thirds of any Towne on Long Island Shall alwayes include the Minor part who shall be regulated thereby And also Such Subscripcons and agreements as are before menconed are and Shall be alwayes ratified performed and paid, And if any Towne on said Island in their publick Capacity of agreement with any Such minister or any perticuler persons by their private Subscripcons as aforesaid Shall make default deny or withdraw from Such payment Soe Covenanted to agreed upon and Subscribed That in Such Case upon Complaint of any Collector appointed and Chosen by two thirds of Such

Towne upon Long Island unto any Justice of that County Upon his hearing the Same he is here by authorized impowered and required to issue out his warrant unto the Constable or his Deputy or any other person appointed for the Collection of Said Rates or agreement to Levy upon the goods and Chattles of the Said Delinquent or Defaulter all such Sumes of money Soe covenanted and agreed to be paid by distresse with Costs and Charges without any further Suite in Law Any Lawe Custome or usage to the Contrary in any wise Notwithstanding.
PROVIDED Alwayes the said sume or sumes be under forty shillings otherwise to be recovered as the Law directs.
AND WHEREAS All the Respective Christian Churches now in practice within the City of New Yorke and the other places of this province doe appeare to be priviledged Churches and have beene Soe Established and Confirmed by the former authority of this Government BEE it hereby Enacted by this Generall Assembly and by the authority thereof That all the Said Respective Christian Churches be hereby Confirmed therein And that they and Every of them Shall from henceforth forever be held and reputed as priviledged Churches and Enjoy all their former freedomes of their Religion in Divine Worshipp and Church Discipline And that all former Contracts made and agreed upon for the maintenances of the severall ministers of the Said Churches shall stand and continue in full force and virtue And that all Contracts for the future to be made Shall bee of the same power And all persons that are unwilling to performe their part of the said Contract Shall be Constrained thereunto by a warrant from any Justice of the peace provided it be under forty Shillings Or otherwise as this Law directs provided allsoe that all Christian Churches that Shall hereafter come and settle within this province shall have the Same priviledges.

[CHAPTER 2.]

[The original of this act is not in the office of the Secretary of State. This copy was made from the manuscript compilation of the "Dongan laws," formerly in the office of the Secretary of State, but now in the New York State Library. This was the only act passed by the Assembly of 1683, which was not received by the Board of Trade on February 17, 1684, as appears from the transcript of the Journal thereof, in Doc. Rel. to Col. Hist., N. Y., III, p. 354.]

A CONTINUED Bill for defraying the Requisite Charges of the Government.

[Passed, October 30, 1683.]

THE Representatives for his Royall Highnesse province of New Yorke convened in General Assembly Have for and in Consideracon of the many Gracious and Royall favoures Expressed

and Extended unto the Inhabitants of this his province And also for the bountifull Confirming and Restoreing to them and their posterity the Rights priviledges Libertyes and Imunities before recited and Expressed and for the better defraying of the necessary Charge and Expence of this province which cannot otherwise be Effected without great Charge unto his Royall Highnesse doe by and with the advice and Consent of the Governour and Councell now assembled and by the authority of the same to the intent aforesaid give and grant unto his said Royall Highnesse and his heires the dutyes and Customes hereafter Specified, That is to say, ffor Every Gallon of Rum brandy and distilled Liquors that shall be imported into the province and Dependencyes the Sume of four pence Curant money of this province And for Every pipe of Madera, flyall, St. George, Canary, Malaga, Sherry and all Sweet wines the Sume of forty shillings Currant money aforesaid And for Every hogshead of Redd White and Renish wines the sume of twenty shillings Currant money aforesaid And upon all other merchandize imported into this province and Dependencyes the Sume of forty Shilling Currant money aforesaid for Every hundred pounds valued at the prime Cost Except these hereafter Specifyed (vizt) Salt brick pantiles Coales fish Sugar molessus Cotten wooll Ginger Loggwood brasaletta ffust wick West India hides Tobaccon Bullion and plate And further wee the Representatives with advice and Consent of the Governour and Councell now Assembled and by the authority of the same Doe give and grant unto his said Royall Highnesse and his heires for the Causes aforesaid upon all merchandize Comonly called by the name of Indian goods As Duffles, Strouds, blanketts plaines halfethicks, woolling stockings, white Ozem briggs Kittles Hatchetts Hoes, read lead, Vermillion, Cotten redd Kersey, knives, Indian Haberdashery and other Indian goods the Sume of tenne pounds Currant money aforesaid for Every hundred pounds value prime Cost that are Carryed up Hudsons River in any Vessell Sloop boate or Cannoe or any other way And also upon Every barrell of powder the sume of twelve shillings money aforesaid And alsoe for Every hundred weight of Lead the Sume of six Shillings money aforesaid And for Every Gunn barrell or Gunne barrell with a lock the Sume of six shillings Currant money aforesaid And alsoe for Every Gallon of Rum, brandy, and stilled Liquors the Sume of four pence Currant money aforesaid That shall be carryed up Hudsons River in any vessell Sloope boat Cannoe or any other way.

And further wee the Representatives by the advice assent and authority aforesaid, doe give and grant unto his said Royall Highnesse and his heires for the Causes and Consideracons aforesaid an Excise upon all Liquors (Beer and Sider only Excepted)

retailed in this Citty and County of New Yorke under five Gallons, the sume of twelve pence Currant money aforesaid for Each Gallon soe retailed; And alsoe that an Excise of twelve pence Currant money aforesaid be imposed and levyed upon Each Gallon of Liquors carryed up Hudsons River in any vessell boate Cannoe and any other wayes wine beer and Syder Excepted, and there consumed or sold And alsoe an Excise of twelve pence upon Every gallon of Liquors retailed throughout the whole province and dependencyes (beer and Sider only Excepted)

AND further wee the Representatives by advice assent and authority aforesaid doe give and grant unto his said Royall Highnesse and his heires for the Causes and Consideracons aforesaid a Custome and duty upon Every Beaver Skinn comonly called a whole Beaver the Sume of nine pence Currant money, and that all other furrs or peltry be valued accordingly That is to say for two halfe Beavers nine pence, for four Lapps nine pence, for three drillings one shilling and six pence, for tenne Raccoons nine pence, for four foxes nine pence, for four fishers nine pence, for five Catts nine pence, for six minks nine pence, for three Otters one shilling and six pence for two bear skins nine pence, for four wolfes nine pence, for four and twenty Musk ratts nine pence, for tenne Matters nine pence, for four and twenty pound of Mouse and Dear Skinns nine pence, and all other peltry to be Valued Equivalent to a whole Beaver nine pence, (Ox Bull and Cow hides Excepted) Exported out of this province and dependencyes And alsoe that all Indian Traders throughout the whole province and dependencyes Doe pay for the value of Each hundred pounds prime Costs they Soe traffique with the Indians the Sume of tenne pounds money aforesaid And alsoe That all bear and Syder retailed throughout the province and dependencyes shall pay six Shillings for Each Barrell Soe retailed And further It is to be understood that all bear and Syder that is sold to the Indians is to pay six Shillings ℔ Barrell as if retailed throughout the province and dependencyes And all small beer to be retailed by speciall Lycence, and Security they shall draw noe strong beer without payment of the Excise and the small beer without Excise.

ffOR the due and orderly Collecting of the aforesaid Dutyes Customes and Excise And alsoe for the preventing of frauds and Embezzillments of said Dutyes Customes and Excises Bee it further Enacted by the authority aforesaid That all shipps and vessells whatever That shall come to any port beeche or Harbour within this province and Dependencyes to trade or traffique the Master, mate, or purser shall come to such place or places as shall be appointed by the Governour or his

Royall Highnesse Collector for the time being and there make report of all Such parcell or parcells of merchandize and others that he hath aboard said shipps or vessells and also Declare upon his Corporall Oath that he hath not broake Bulke Since his arrivall within this province before he made such Report as is required And alsoe all merchants that have any goods or Merchandizes whatever shall at such place or places as is above directed make a true and distinct Entry of all such parcell or parcells of goods or merchandize he hath aboard such shipp or Vessells according as they Cost him at the prime Cost And if any difference should arise about the value of said goods, Then the Collector or any appointed for the Collecon of Said dutyes Customes or Excise may administer to all or any such persons or persons making such Entry their Corporall Oath, that said Entry is according to the Invoyce or Invoyces sent to them from the place or places from whence such goods did come. And further It is Enacted by the authority aforesaid That if any Master Mate or purser of any shipp or Vessell whatever or any Merchant ffactor or other shall contrary to those rules above prescribed breake bulke or Land any goods and Merchandize whatsoever before they make report or Entry and pay such dutyes as is required by this Act: Then and in such Case the Master of such shipp or vessell That shall break bulke before makeing such report as above shall upon proofe of two Evidences forfeit his said Shipp or vessell with all her tackle furniture and Amunicon, One third to his Royall Highnesse, one third to the Governour of the province and one third to the Informer, to be sued for in any Court of Record within this province by Bill plaint or Informacon wherein noe Essoin proteccon or wager of Law shall bee allowed And alsoe all such goods as shall be Landed without Entry made as afore directed Shall be forfeited upon the Testimony of two witnesses One third to his Royall Highnesse one third to the Governour and one third to the Informer that shall sue as above.

AND Bee it further Enacted by the authority aforesaid, that all Masters of Shipps or vessells, that are within this province and doe not belong unto this province or any part thereof and bound to any port within or without this province shall before they take in any merchandize above Expressed come to such place or places as shall be appointed for the Collecting of the Rates Established by this Law And there make Entry and Report of their designe and Enter into bond to the value of one thousand pounds with sufficient suretyes that they shall not take on board directly or indirectly any goods or merchandize above recited or Expressed without such permitt or Certificate from the Collector or any

haveing authority under him for the same. And if they doe take aboard Contrary to the intent and meaning of this Law, then they shall forfeit said bond, to be sued for within three months after such fact Committed or otherwise to be void and of noe force and virtue And alsoe for the due and Orderly Collecon of the Excise above Expressed It is hereby Ordered and Enacted by the Authority aforesaid That all retailers of wine Rum brandy and strong Liquors within this province Shall upon their purchase or receipt of all such Liquor or Liquors before Expressed and Exciseable come to the office of Excise and there make Entry of all Such Liquor or Liquors as they shall buy and receive and pay such dutyes as are hereby authorized And upon default hereof all Such Liquors as shall be found in any retaliers house within this province or Dependencyes as have not beene duely Entred and paid the rates above Expressed; that then in such Case upon the Testimony of two Evidences appearing before any justice of the peace within this province and Dependencyes he shall issue out his Warrant for seizure and Condemning of all Such Liquors And alsoe the person soe offending shall forfeit three times the value of the said Liquors, one third to his Royall Highnesse, one third to the Governour and one third to the Informer And also all persons That Shall carry any Liquors up Hudsons River shall soe soone as they sell such Liquors give notice to the Excise office of all such parcell or parcells soe sold and pay Such dutyes as are hereby Established under the penalty aforesaid provided Alwayes and it is hereby understood that there shall noe duty be paid nor forfeiture upon any goods or merchandizes that are not Landed within this province or imediately transported again without being Sold in this province and Dependencyes provided alsoe That all Masters or Comanders of Shipps sloopes boates or any other Vessells belonging to this province and its Dependencyes shall repair to the Custome house or other place or places that shall be appointed for that purpose And there Enter into bonds of an hundred pounds That they shall not directly or indirectly take on board and Carry away out of this province any of the aforesaid goods and merchandizes without paying such Rates and Dutyes as are before Expressed.

PROVIDED Alwayes that all merchants qualifyed to trade by the Acts of Navigacon and regulateing the plantacon trade comeing into this province or any parts thereof be well and Honestly treated and demanded for such things as by this Act is granted without Oppression to be done to them paying the Dutyes aforesaid.

PROVIDED That noe retailers of Liquors under five Gallons or any that sell any Liquor or Strong Liquors shall take any such

Liquors into their houses or Sellars in New Yorke and Albany but by the hands of the sworne porters under the penaltyes aforesaid.

This act to be of force imediately after publicacon thereof.

[CHAPTER 3.]

[Copied from the original in the office of the Secretary of State. The signature of the Governor and the date of the passage of the law is torn from the original bill. The date of its passage, as October 31, is given by E. B. O'Callaghan in Hist. Note to Journals of the Legislative Council of New York, p. 12. That the act was received by the Board of Trade, on February 17, 1684, appears from the transcript of the Journal thereof, in Doc. Rel. to Col. Hist. of N. Y., III, p. 354.]

AN ACT for the Allowans to Representatives.

[Passed, October 31, 1683.]

WHEREAS the severall Representtatives of the Assembly cannott Officiate thatt honorable and great Trust reposed in them, without being att much Charge. Bee itt therefore Enacted Thatt the wages of every Representative of the people, shall bee ten shillings in Currant money per day, from the time of their Coming out, till their returning home; Provided itt bee within Eight dayes before the meeting, and within Eight dayes after the adjourning, prorogueing, or dissolving of the Assembly, & thatt Each County shall beare the Charge of their own Representatives which sume of money shall bee paid by the Treasurer of each respective place, by Warrant of the President of the Commissioners within ten dayes after their returne from the said Assembly.

[CHAPTER 4.]

[Copied from the original in the office of the Secretary of State. That the act was received by the Board of Trade, October 17, 1684, appears from the transcript of the Journal thereof, in Doc. Rel. to Col. Hist., of N. Y., III, p. 354.]

AN ACT to divide this province & dependences into shires and Countyes.

[Passed, November 1, 1683.]

Having taken into Consideracon the necessity of dividing the Province into Respective Countys for the better governing and settling Courts in the same. Bee it enacted by the Governor Councell and Representatives, and by the Authority of the same, Thatt the said province be divided into twelve countys as followeth.

The Citty & County of New York, to containe all the Island commonly called Manhatans Island, Mannings Island, and the two

Barne Islands, the Citty to bee called as itt is, New York, and the Islands above specifyed the County thereof.

The County of Westchester to contayn West and Eastchester Brox Land Fordham Annehooks Neck Richbells, Minfords Island, and all the land on the Maine to the Eastward of Manhatans Island as farre as the Government extends and the younkers land, and Northward along Hudsons river as farr as the High Land.

The County of Ulster to conteyne the towns of Kingston, Hurly and Marbletowne, ffox hall & the new Pallz & all the Villages, neighbourhoods, and Christian habitacons on the West side of Hudsons River from the Murderers Creeke neare the high Lands to the Sawyers Creeke.

The County of Albany to conteyne, the town of Albany the County of Renslaerswyck, Schonechteda, and all the Villages, neighbourhoods and Christian Plantacons on the East side of Hudsons river from Roelof Jansens creeke, and on the West side from Sawers Creeke to the Sarraghtoga.

The Dutchess's County to bee from the bounds of the County of Westchester, on the South side of the High-lands, along the East side of Hudsons River as farre as Roelof Jansens Creeke, & Eastward into the woods twenty miles.

The County of Orange to beginne from the Limmittd or bounds of East and West Jersey, on the West side of Hudson's River, along the said River to the Murderers creeke, or bounds of the County of Ulster and Westward into the woods as farr as Delaware River.

The County of Richmond to conteyne all Staten Island Shutters Island, and the Islands of Meadow on the West side thereof.

Kings County to conteyne the severall towns of Boshwyck, Bedford, Brueklin, fflattbush, fflatlands, New Utrecht, & Gravesend with the severall Settlements and plantacons adjacent.

Queens County to conteyne the severall towns of Newtowne, Jamaica, Flushing, Hempstead and Oysterbay, with the severall out farms, settlements and plantacons adjacent.

The County of Suffolk to conteyne the severall towns of Huntington, Smithfield, Brookhaven, Southampton, Southold, Easthampton, to Montauk point, Shelter Island, the Isle of Wight, Fishers Island, & plumb Island with the severall out farms, Settlements & plantacons adjacent.

Dukes County to conteyne the Islands of Nantuckett, Martins Vinyard, Elizabeth Island and no mans Land.

The County of Cornwall to conteine Pemaquid, & all his Royall Highnesses Territoryes in those parts with the Islands adjacent.

And for as much as there is a Necessity of a High Sheriff on every County in this Province, Bee itt therefore enacted

by the Governor Councell & Representatives in Generall Assembly mett, and by the authority of the same, Thatt there shall bee yearly & every yeare an High Sheriff constituted & Commissionated for each County, and thatt each Sheriff may have his Under Sheriff, Deputy or Deputys.

[CHAPTER 5.]

[The original of this act is not in the office of the Secretary of State. This copy was made from the manuscript compilation of the "Dongan laws," formerly in the office of the Secretary of State, but now in the New York State Library. The date of its passage as November 1st, is given by E. B. O'Callaghan, in Hist. Int. to the Journals of the Legislative Council of New York, p. 12. That the act was received by the Board of Trade, on February 17, 1684, appears from the transcript of the Journal thereof, in Doc. Rel. to Col. Hist. of N. Y., III, p. 354.]

AN ACT for naturalizing all those of forreigne Nations at present inhabiting within this province and professing Christianity, and for Encouragement of others to come and Settle within the Same.

[Passed, November 1, 1683.]

ffOR AS MUCH as Severall persons of diverse forreigne Nations professing Christianity, now are and for diverse yeares past have beene actuall and settled dwellers and inhabitants within this province under the allegiance of his Majestye of Great Brittaine our dread Sovereigne, and the obedience of his Royall Highnesse, and soe desire to continue and remaine and be naturalized and become as his Majesties naturall borne Subjects BEE It Enacted by the Governour Councell and representatives now assembled and by the authority thereof That All and every such person or persons of what forreigne Nation soever they bee professing Christianity, and that now are actuall inhabitants within this province and have taken or Subscribed or that shall take or subscribe to the oath of allegiance are and Shall be hereby naturalized, and in all respects be accounted and Esteemed as his Majesties naturall borne subjects and shall have and Enjoy all Such privileges freedomes and imunityes, within this province as other his Majesties subjects doe have or Enjoy provided nothing Conteined in this act, is to be Construed to discharge or Sett at Liberty any servant bond man or slave but only to have relacon to such persons as are ffree at the Makeing hereof.

AND BEE It further declared and Enacted by the Authority aforesaid that all and Every person and persons forreigners of what nation soever professing Christianity that at any time hereafter shall come and arrive within the said province with an

intent to become his Majestyes subjects and to dwell Settle and inhabitt within the same and shall there dwell settle and inhabite accordingly and take the Oath of allegiance to his said Majestye and fidelity to his Royall Highnesse the Lord proprietor of this province Every Such person or persons may be naturalized by act of Assembly and from thenceforth shall in all respects be accounted deemed and Esteemed as his Majesties Naturall borne Subjects, and shall have and Enjoy all such priviledges freedomes and immunityes within this province as other his Majestyes Subjects have and Enjoy.

[CHAPTER 6.]

[Copied from the original in the office of the Secretary of State. That the act was received by the Board of Trade, on February 17, 1684, appears from the transcript of the Journal thereof, in Doc. Rel. to Col. Hist., of N. Y., III, p. 354.]

An act for Repealing the former Lawes ab't Country Rates and allowance to the Justices of the Peace.

[Passed, November 1, 1683.]

WHEREAS by the Lawes of this Province itt is ordered that an annuall Rate or Tax commonly called the Country Rate should bee paid by the Inhabitants on Long Island of one penny in the pound according to the Valuacon of their Estates, to be levyed by the High Sheriff and Constables of each respective Riding, and paid towards the defraying the publique charge. And whereas by the said Lawes it is ordered and provided thatt every Justice of the peace shall have an allowance of twenty pounds ℔ annum to bee paid out of the publique Rates towards the defraying their necessary charges over and above what may arise out of the fines and amerciaments not otherways disposed of.

And forasmuch as provision is otherwise made for the defraying the said publique charges, Wee the Representatives do pray that itt may be enacted, and Bee it enacted by the Governor Councell and Representatives in Generall Assembly met, and by the Authority of the same, That all and every clause and clauses conteyned in the aforesaid Law entitled CHARGES PUBLIQUE, relating to the said Country Rate and the said clause conteyned in the said Law Entituled JUSTICES OF THE PEACE, relateing to their allowance as aforesaid, be and āre for ever hereby absolutely repealed made null and void to all intents constructions and purposes whatsoever, any thing in the said Laws to the contrary hereof in any wise nottwithstanding.

[CHAPTER 7.

[The original of this act is not in the office of the Secretary of State. This copy was made from the manuscript compilation of the "Dongan laws," formerly in the office of the Secretary of State, but now in the New York State Library. The date of its passage, as November first, is given by E. B. O'Callaghan, in Hist. Int. Note to Journals of the Legislative Council of New York, p. 12. That the act was received by the Board of Trade, on February 17, 1684, appears from the transcript of the Journal thereof, in Doc. Rel. to Col. Hist., of N. Y., III, p. 354.]

AN ACT to settle Courts of Justice.

[Passed, November 1, 1683.]

ffOR the more orderly hearing and determining of matters and Cases of Controversy betweene party and party and for the due Execucon of the Lawes Bee It Enacted by the Governor Councell and Representatives in Generall Assembly and by the Authority of the same That in Every Towne in and throughout this province there be one Court held monthly and Every month throughout the yeare on the first wednesday in the month for the hearing and determining of small causes and Cases of debt and tresspasse to the value of forty Shillings or under Which Cause and Cases Shall be heard tryed and determined by three persons to be Comissienated for that purpose without a Jury. The processe of warning to this Court shall be a Sumons under the hand of and of the Comiconers by a Messenger belonging to the said Court which being personally served by him or left at the Defendants house four dayes before the Court, shall bee sufficient authority to and for the members of the said Court to proceed on such cause or Causes and determine the same in the Defendants absence if the member of the Court see not cause to the Contrary and to grant Execucon thereon against the Defendants person, and for want thereof his Estate, which the messenger shall and may serve, Alwayes provided, and bee it further Enacted by the authority aforesaid, That if the plaintiff or Defendant shall desire a Jury, It shall be allowed, but at the propper Costs and Charges of the person desireing the Same. AND that Justice may neither be denyed nor deferred, Bee It further Enacted by the authority aforesaid, That from henceforth there shall be held and kept within Every County of the said province Courts of sessions yearly and Every yeare for the hearing tryeing and determining of all Causes and Cases there brought and Comenced, As well Cases and Causes Criminall, as Cases and Causes civill betweene party and party which Cases and Causes shall be tryed by the Verdict of twelve men

of the neighbourhood within the County where the fact shall arise or grow whether the same be by Indictment Informacon declaracon or otherwise against the person Offender or defendant and that the Judges or Justices of the respective sessions Shall be the Justices of peace of Every the said respective Countys or three of them at the least, To which Court Shall belong, one Clerke of the Sessions or Clerke of the peace, To draw, enter, and keep the Records of Indictments, Informacons, and Declaracons, pleas, Judgments, and proceedings there to be had and made, and one Marshall or Cryer of the Court to call the Jurors and proclame the Comands and Orders of the Court, And for the Regular proceedings in the said Court, all processe and Sumons of persons to appeare, and to Execute the Judgments and Execucons of this Court shall be directed to the Sheriffe of the County, and Executed by him, his under Sheriffe or Deputy or Deputyes And all processes and writts for accons, betwixt party and party in the said Court, shall issue out of the Office of the Clerke of the peace or Court of sessions, in Each County respectively, signed ℣ Curiam.
PROVIDED Alwayes and be it further Enacted, by the authority aforesaid, That the said severall and respective Courts of sessions, shall bee held and kept yearly at the respective times, and places hereafter Expressed That is to say, for the County and Citty of New Yorke, the first tuesday in ffebruary, the first tuesday in May, the first tuesday in August, and the first tuesday in November yearly and Every yeare at the Citty Hall of the said Citty, ffor the County of West Chester the first tuesday in June, and the first tuesday in December yearly and Every yeare, the one to be held at West Chester and the other at East Chester, ffor the County of Ulster, the first tuesday in March, and the first tuesday in September at Kingston. ffor the County of Orange the second tuesday in March, and the second tuesday in September. ffor Dutchesse County the third tuesday in March, and the third tuesday in September. ffor the County of Albany, the first tuesday in March, the first tuesday in June, and the first tuesday in September, at the Towne Hall of Albany. ffor the County of Richmond the first tuesday in March, and the first tuesday in September. ffor the Kings County the first tuesday in Aprill, and the first tuesday in October at Gravesend. ffor the Queens County the second tuesday in March and the second tuesday in October at Jameca. ffor the County of Suffolke the third tuesday in March, and the third tuesday in October to be held at Southampton and Southold respectively. ffor the Dukes County to be referred

to the Governour and Councell. And the County of Cornwall likewise to be referred to the Governour and Councell.
AND That there be noe defect of Justice, But that all and Every the Inhabitants of the province may have and Enjoy all propper wayes and means to recover and have their just Rights within the same according to Law BEE It further Enacted by the authority aforesaid that annually and Every yeare there shall be within the said province, and in Each respective County within the same, a Court of Oyer and Terminer and Generall Goale Delivery, which said Court shall have power and Jurisdicon to heare try and determine all matters Causes and Cases Capitall Criminall or Civill, and Causes tryable at Comon Law, in and to which said Court, all and Every person and persons whatsoever, shall or may, if they see meet remove any Accon or suite, the debts or damages laid in such Actions or suite being five pounds or upwards, or shall or may by warrant Writt of Error or Certiorari remove out of any inferior Court any Judgment Informacon or Indictment there had or depending and may Correct Errors in Judgment or reverse the same if there be just Cause for itt. The members of which Court shall be a Judge assisted with four of the Justices of the peace of the County, who shall be Comissionated for that purpose Alwayes provided and Bee it further Enacted by the authority aforesaid, That this Court of Oyer and Terminer and Generall Goale Delivery shall sitt and hold Court in the Citty and County of New Yorke, on the first wednesday in Aprill and the first wednesday in October at the Citty Hall of the said Citty. In the County of West Chester, the first Wednesday in December. ffor the County of Ulster the first wednesday in June, ffor the County of Orange the second Wednesday in June. ffor the Dutchesse's County the third tuesday in June. ffor the County of Albany, the second wednesday in May. ffor the County of Richmond the third Wednesday in October. ffor the Kings County the last wednesday in October. ffor the Queens County the first wednesday in November. ffor the County of Suffolke, The second wednesday in November, one yeare to be held at Southampton, and the next successively at Southold ffor the Dukes County, and County of Cornwall to be referred to the Governour and Councell as aforesaid.
PROVIDED Alwayes and be it further Enacted by the authority aforesaid that noe persons Right or property shall be by this Court Determined, Excepting where matters of ffact are either acknowledged by the partyes, or Judgment be acknowledged, or passes by the Defendants faults, for want of plea or Answere,

unlesse the ffact be found by the Verdict of twelve men of the neighbourhood, as it ought of Right to be done by the Law.

BEE It further Enacted by the authority aforesaid, That there shall bee a Court of Chancery within this province which said Court shall have power to heare and determine all matters of Equity and shall bee Esteemed and accounted the Supreme Court of this province And be it further Enacted That the Governour and Councell bee the said Court of Chancery, and hold and keep the said Court; And that the Governour may Depute or nominate in his stead a Chancellour, and be assisted with such other persons, as shall by him bee thought fitt and Convenient. Together with all necessary Clerkes and other officers as to the said Court are needful.

PROVIDED Alwayes, And Bee it further Enacted by the authority aforesaid, that any inhabitant, planter or ffreeholder, within this province may have Liberty if hee or they see meet to make his or their appeale or appeales, from any Judgment or Decree obtained against him or them in the High Court of Chancery or any of the Courts of Oyer and Terminer and Generall Goale Delivery, to our Sovereigne Lord the King, as in the Letters pattents to his Royall Highnesse, is inserted.

PROVIDED Alwayes and Bee It Enacted by the authority aforesaid that the party or partyes soe appealing, shall first pay all Cost of such Decree or Judgment from which the appeale ariseth, and also all debts Costs and Damages adjudged against him or them in any other suite or suites accon or Accons within this province, and give in two sufficient suretyes by Recognizance double the value of the debt, matter or thing recovered or obtained by Judgment or Decree against him or them to the said Court for prosecuteing the said Appeale or Appeales with Effect, And make returne thereof within twelve months after the said Appeale or Appeales are made, and to pay all Costs damages and Charges if Cast upon the said Appeale or Appeales, Alwayes provided that if the Appellant shall not prosecute such Appeale or Appeales with Effect and make returne thereof within the said twelve months, then Execucon to issue out against the Appellant or his suretyes for the debt damages matter or thing recovered against him, and all Costs of Suite. occasioned by such appeale.

PROVIDED Alwayes And bee it further Enacted by the Authority aforesaid, That noe Appeale shall lye unlesse the debt damage matter or thing sued for shall be or amount to the sume of one hundred pounds any thing to the Contrary hereof in any wise notwithstanding.

[CHAPTER 8.]

[Copied from the original in the office of the Secretary of State. That the act was received by the Board of Trade, on February 17, 1684, appears from the transcript of the Journal thereof, in Doc. Rel. to Col. Hist., of N. Y., III, p. 354.]

An act to prevent wilfull Perjury.

[Passed, November 1, 1683.]

ffor the better prevent the crying sin of Perjury and that all due punishment may bee inflicted on such persons as willfully committ the same; Bee itt enacted by the Governor Councell & Representatives and by the Authority of the same, Thatt all and every such person and persons which att any time after the first day of November coming shall unlawfully & corruptly procure any Witnesse or Witnesses, by Letters, Rewards, Promises, or by any other Sinister and unlawfull labour and means whattsoever, to committ any Wilfull and Corrupt Perjury in any matter or cause whatsoever now depending, or which hereafter shall depend in suit & variance by any writt, action, Bill, Complaint or Informacon, in any wise touching or concerning any Lands, tenements or hereditaments, or any Goods, chattles, debts or damages, in any of the Courts within this Province; That then every such Offender or Offenders shall for his or their said Offence being thereof Lawfully convicted or attainted, lose and forfiett the sume of fforty pounds Sterling. And if itt happen that any Offender or offenders soe being convicted or attainted as aforesaid nott to have any goods, or Chattells to the Value of forty pounds; that then every such person being so convict or attainted of any of the offences aforesaid shall for his or their said offence suffer imprisonm't by the space of one half yeare, without Baile or Mainprise, and to stand upon the Pillory the space of one whole hour in some towne next adjacent where the offence was comitted, or in the towne itt self where the Offence was committed.

And thatt no person or persons being soe convicted or attainted to be from thence forth received as a witnesse to bee deposed and sworn in any Court of Record within this Province untill such time as the Judgment given against such person or persons shall bee reversed by attaint or otherwise, and that upon every such reversall the Partys grieved to recover his or their damages against all & every such person and persons as did procure the said Judgment so reversed, to bee first given against them or any of them by action or actions to bee sued

upon his or their case or cases, according to the Common court of the laws of this Province.

And bee itt further enacted by the authority aforesaid thatt if any person or persons after the said first day of November next coming, either by the Subernacon, unlawfull procurement, sinister perswasion, or means of any other, or by their own act consent or agreement willfully and corruptly commit any manner of willfull perjury by his or their Deposition in any of the Courts before menconed That then every person or persons so offending, and being thereof duly convicted or attainted by the laws of this Province, shall for his or their said offence, lose and forfeit forty pounds, and to have imprisonment by the space of one whole yeare without baile or mainprise, & the oath of such Person or persons so offending from thence forth nott to bee received in any Court of Records within this Province untill such time as the Judgment given against the said person or persons shall bee reversed by attaint or otherwise, & thatt upon every such reversall the partys grieved to recover his or their damages against all & every such person & persons as did procure the said Judgment so reversed, to bee given against him or any of them by action or actions to bee sued upon his or their case or cases according to the Common Course of the Law.

And if itt happen that the said offender or offenders so offending nott to have goods or chattells to the value of forty pounds, thatt then hee or they to bee sett on the Pillory (in some publique place within the Shire Citty or Borrough where the said offence shall be committed) by the Sheriff or his Ministers and there to bee branded with the letter P in ye foreheade, and from thence forth to bee discreditted and disabled for ever, to be sworne in any of the Courts of record within this Province untill such time as the Judgment shall bee reversed and thereupon to recover his damages in manner & form before menconed.

The one Moyety of all which summs of money, goods & chattles to be forfeited in manner and forme aforesaid to bee to his Royall Highnesse his Heyres and Successors, & the other moyty to such person or persons as shall be grieved hindred or molested by reason of any the offence or offences before menconed, that will sue for the same by action of Debts, Bill, plaint, Informacon or otherwise in any of the Courts of record within this Province, in which no wager of law, Essoine, protection or injunction to bee allowed.

Provided alwayes & be itt further Enacted by the authority aforesaid thatt in all Cases of life and Member, the person

or persons so offending as is before expressed shall suffer and undergoe such punishment or punishments as the person or persons against whome hee or they bore such false witnesse did or should have undergone.

Provided always & bee itt further enacted by the authority aforesaid thatt if any person or persons shall out of a Tender Conscience refuse to give his Evidence on oath in any matter or thing depending in any of the Courts of this Province thatt in all such Cases, the party or partys refusing the same shall give in or deliver their Evidence or Testimony in manner and forme following That is to say I A. B. do solemnly promise as in the presence of God to speak the truth, the whole truth, and nothing butt the truth, to the matter or thing in Question: And in case any person or persons soe called to evidence, and declaring as aforesaid shall Afterwards bee convicted of willfull falsehood, such person or persons shall suffer and undergo the same punishment as in cases of willfull perjury is appointed & provided.

Provided alwayes & bee it further enacted by the authority aforesaid, thatt all persons called to testify their knowledge in any matter or thing in any Court shall deliver their evidence viva voce, and that deposition in writing shall bee taken for evidence in any Court unlesse the party or partys so deposing shall happen to bee beyond the Seas, Out of the Government, or thatt through other inevitable accidents there is an impossibility of their being present.

[CHAPTER 9.]

[Copied from the original in the office of the Secretary of State. That the act was received by the Board of Trade, on February 17, 1684, appears from the transcript of the Journal thereof, in Doc. Rel. to Col. Hist., of N. Y., III, p. 354.]

An Act for the Defraying of the publique & necessary Charge of each respective Citty, towne and County throughout this Province & for maintaining the poore, & preventing vagabonds.

[Passed, November 1, 1683.]

Bee itt enacted by the Governor Councell & Representatives in Generall Assembly & by the Authority thereof Thatt anually or once every yeare there shall bee elected a certaine number out of each respective Citty Towne and County throughout this Province to be elected & chosen by the Major part of all the ffreeholders and Freemen, which certaine Number so duely elected shall have full power & authority to make an Assessment or certaine Rate within their respective Cittys, Townes

and Countyes anually & once every yeare which assessment & certaine Rate so established as aforesaid shall be paid into a certaine Treasurer who shall bee chosen by the major part of all the ffreeholders & ffreemen of Each respective Citty, town and County; Which Treasurer so duely chosen shall make such payment for the Defraying of all the publique and necessary charges of each respective place above menconed as shall bee appointed by the Commissioners or their President thatt shall bee appointed in each respective Citty, Towne and County within this Province ffor the Superviseing the publique affairs & charge of each respective City Towne & County aforesaid.

And Bee itt further provided by the Authority aforesaid thatt the Treasurer for each respective City, Towne and County shall keep a distinct book of accounts contayning a perticular account of all the moneys rates and assessments aforesaid; & also of all disbursements & payments of money by Warrant aforesaid, & once in every year hee shall bring his accounts to such persons as shall be appointed for the Auditt of the same, under the penalty of one hundred pounds except prevented by Death or Sicknesse. And farther Whereas itt is the Custome & practice of his Majestys Realm of England, and all the adjacent Colonys in America that every respective County Citty towne parrish & precinct doth take care & provide for the poor who do inhabit in their respective precincts aforesaid.

Therefor itt is Enacted by the authority aforesaid thatt for the time to come the respective Commissioners of every County, Citty, Towne, parish Precinct, aforesaid shall make provission for the maintenance support of their poor respectively.

And for the prevention and discourageing of Vagabonds and Idle persons to come into this province from other parts, and also from one part of the Province to another; Bee itt enacted by the authority aforesaid. Thatt all persons thatt shall come to Inhabit within this province or any part or place thereof, and hath nott a Visible Estate, or hath nott a manuall craft or occupacon shall befor hee bee admitted an Inhabitant give sufficient Security thatt hee shall nott bee a burthen or charge to the respective places hee shall come to inhabitt in which Security shall Continue for two yeares, provided allways thatt all those thatt have manuall Crafts or occupacon may att all times come and Inhabitt in any part within this Province & bee always admitted, Provided hee maketh applicacon eight days after his arrivall into any Citty Towne or County aforesaid unto such person or persons as are appointed for the Governing the respective parts afores'd.

And also all vessels thatt shall bring any passengers into this province, the Master of any such vessells shall within four and twenty hours after arrivall bring a list of all such passengers hee brings into this Province with their Qualityes & Condicons unto the Chiefe Magistrate of each respective Citty, County, Towne, aforesaid, under the penalty of tenne pounds current money of this Province. Always provided thatt if any vessell bring in any person not qualified as aforesaid, nor able to give security for their well demeanor; Thatt and in such case the Master of said vessell or vessells shall bee obliged to transport all such persons to the place from whence they came or att least out of this province and dependences; And also if any Vagabonds, beggars or others, remove from one county to anothere and cannot give security as aforesaid itt shall be lawful for the constable to returne such persons to the county from whence they came.

[CHAPTER 10.]

[Copied from the original in the office of the Secretary of State. That the act was received by the Board of Trade, on February 17, 1684, appears from the transcript of the Journal thereof, in Doc. Rel. to Col. Hist., of N. Y., III, p. 354.]

An act for rewarding of those who destroy Wolves.

[Passed, November 1, 1683.]

Be it enacted by the Govern'r Councill & Repr'sentatives in Gen'll Assembly met and Assembled and by the authority of the same

Thatt whattsoever Christian shall kill a grown wolf upon Long Island; hee shall bee paid twenty shillings P. head, in the County where itt shall so happen (the same being proved as in ye Law is sett forth) & for a whelpe about a halfe a Yeare old, he shall bee paid halfe so much.

Thatt whattsoever Indyans shall in like manner Kill any wolfe or wolves, they shall bee paid a Match Coate for each, or the Value which is computed to bee twelve shillings & for a Whelpe half so much, to bee paid as before, of which the Officers for publique affairs in each towne of the Countyes are to take care thatt the same bee duly satisfyed.

And for killing the Wolves in other parts of the Government Thatt itt bee left to the Magistrates or Officers in the severall Countyes to give whatt reward they shall think fitt, for Killing Wolves within their precincts. Only thatt the same reward be given for Killing of Wolves for Staten Island as for Long Island.

[CHAPTER 11.]

[Copied from the original in the office of the Secretary of State. That the act was received by the Board of Trade, on February 17, 1684, appears from the transcript of the Journal thereof, in Doc. Rel. to Col. Hist., of N. Y., III, p. 354.]

An act to prevent damages done Swine.

[Passed, November 1, 1683.]

Whereas we have found by dayly Experience Thatt Swine are Creatures that occasion trouble and difference among Neighbours and rather prejudiciall than beneficiall to the Province while they have liberty to run att randome in the woods or Townes, they being so obstructive to the raising of Corne in the Province and spoiling the meadows in the respective towns; Bee itt therefore Enacted by the Govern'r Councell & Representatives in Generall Assembly and by the Authority of the same thatt no Inhabitant or Freeholder within this Province and throughout the same Except in ye Colonie off Renseleurs Wicke shall or may Keep any Swine small or great butt whatt hee or they shall keep within their own Land and fence or att least secured by the Owners thereof from tresspessing on their Neighbours and if any shall be found att liberty, in the streets meadows, or upon any other mans fenced or Inclosed lands after the first day of March next ensuing the date hereof, itt shall be lawfull for any one so finding them, or meeting with them, to kill them or take them up; One third part of such swine, shall go to the Use of the person who shall Kill or take up the same, & the other two thirds to the Constable of the towne or place thatt shall take the same into his Custody, being only accountable to answer one penny pr. pound, or one half of the said two thirds, to bee disposed for the publique use of the Towne.

[CHAPTER 12.]

[Copied from the original in the office of the Secretary of State. That the act was received by the Board of Trade, on February 17, 1684, appears from the transcript of the Journal thereof, in Doc. Rel. to Col. Hist., of N. Y., III, p. 354.]

An act for the due regulacon & proceedings on Execucons. Returnes of Writts, & confirming the Fees usually taken by Officers &c.

[Passed, November 2, 1683.]

Bee itt enacted by the Governor Councill and Representatives in Generall Assembly now mett & assembled and by the

authority of the same, Thatt itt shall bee at the choice and liberty of every Plaintiff to take out Execucon on any Judgment recovered in any Court of Record within this Province either to bee levyed by Extent on the Defendants lands or aginst the defts goods and chattels & for want thereof his person. And that when and so often as the Sheriff of any County shall have any writt of Ececucon delivered to him out of any Court of Record within this Province to levy upon the goods and chattles of any Defendant, or for want thereof his person, The Sheriff shall with all convenient speed duely execute the same according to the tenure of the said Execution and make returne thereof accordingly where returnable, & in case the said Sheriff shall by vertue thereof levy sufficient goods and chattles to satisfy the same; then in case the defend't do nott within ffifteen days otherwise give satisfaccon; The said Sheriff is to expose the said goods and Chattles so levyed to sale att a publique outcry in the towne where the same shall bee levyed, & sell & dispose thereof to the highest bidder to raise the sum of money or other specie and Costs in the said Execucon mentioned & conteyned, with the incidental charges, and make sattisfaccon to the party accordingly. And in Case the said Goods, and Chattels exceed the debt or damage and Costs, then the Overplus to be returned to the Def't. Butt where no goods or chattells can be found & the Execucon be levyed on the Defend'ts person the Sheriff is to keep him in safe custody untill satisfaction bee given for the Debte or damages with the Costs and charges aforesaid. And Bee itt further enacted by the Authority aforesaid, That where any Writt of Execucon shall be directed to the Sheriff of any County out of any Court of Record within this Province to levy any sume or sumes of money or any thing, goods, or Comoditys whattsoever, Costs and Charges as aforesaid by extending the Defend'ts Lands, the said Sheriff shall with all convenient speed duly execute the same By putting the plaintiff, his Attorney or Agent into the quiett possession of the Defend'ts Lands there to remaine untill by the Rents, Issues, & proffitts thereof hee shall bee sattisfyed the Debts or Damages with the Costs and Charges Aforesaid.

And the said Sheriff shall likewise make returne of the said Writts, and of his proceedings therein, menconing the land hee hath put the plaintiff in possession of according to the tenure and true intent of the said Writt of Execucon where the same shall be returnable. And bee itt further Enacted by the Authority aforesaid, Thatt all Writts of what nature

soever thatt shall issue forth of any Court of Record within this Province shall bee returnable into the said Court they proceeded from att their next sitting after the Date of the said Writt; Provided there bee fifteen days between the Test and the returne thereof, otherwayes to bee returnable the next sitting of the said Court after the said fifteen days expired.

Provided always thatt nothing in this act contayned shall bee construed to the Infringement, Prejudice, Hindrance or Alteracon of any Liberty, privilege, Custome, practice or Usage granted or used & practiced in the Citty & Corporation of New Yorke.

And be it further enacted by the Authority aforesaid, thatt all fees thatt now are and have been appointed, authorized, usually taken and received by the Sheriffs Clarks of Courts & other officers, and Jurymen, & for publique charge on accons within this Province, shall bee and remaine the same as formerly, they were & now are, to be received payed and accounted for as formerly, Until any alteracon shall be made therein, or order to the Contrary by act of Generall Assembly.

[CHAPTER 13.]

[Copied from the original in the office of the Secretary of State. That the act was received by the Board of Trade, on February 17, 1684, appears from the transcript of the Journal thereof, in Doc. Rel. to Col. Hist., of N. Y., III, p. 354.]

An act of Settlement.

[Passed, November 2, 1683.]

ffOR AS MUCH as through the many alteracons which within this Province have happened by the Fortune of the warrs, and other inevitable accidents severall of the Inhabitants & ffreeholders of the said Province have been deprived of their deeds, grants, Patents or other instruments of writting by which they might make appeare their severall & respective Rights to their Lands tenements & possessions. And for as much as severall Tracts of Lands have been formerly taken up and pattented, and through hope of Lucre or gaine never settled or improved according to the manner and Customes of other Plantacons to the great obstruction of the goods, & settlement of the said Province. Bee itt enacted by the Governor Councell & Representatives now in Generall Assembly met, and by the authority of the same; Thatt whattsoever person or persons who by himself or Agent have in his own right actually been in the possession and enjoyment of any Tracts of Land, house or Planta-

con by Vertue of any power or authority derived from his Royall Highnesse James Duke of Yorke & Albany &c, and occupyed, manured, and improved the same for & during the space of foure yeares preceeding the Date hereof; and shall continue so to occupy possesse manure and improve the said Tracts of Land house or houses Plantacon or plantacons untill the terme & time of fifteen months be fully compleated and ended to be accounted from the first day of this present Session of Assembly, without any Legall claime demand or recovery from any other person or persons, legally claiming, pretending to, or demanding the same shall bee accounted and esteemed the right and lawfull Owner of the said Land, house or houses, plantacon or Plantacons, and that the said Tract or Tracts of Land, house or houses, plantation or plantations are hereby ratifyed and confirmed to the party or partyes so occupying, possessing, and enjoying the same as aforesaid, and to his or their respective heyres & assignes for ever, saveing to his Royall Highness his Right and Interest.

Provided alwayes thatt nothing contayned within this act shall bee intended or construed to the prejudice or hindrance of the title or claime of any persons under age frome Covert, non Compos mentis, imprisoned or beyound the Seas, as is provided in an act, intitled, An Act for quietting mens Estates and limitacon of certaine actions made this present Sessions of Assembly Any thing conteyned in this act to the contrary hereof in any wise nctt withstanding. Be it further enacted yt evrey representative have a Coppy hereof and publish ye same three severall dayes in ye towne house of each respective Towne in this province, w'thin foure months affter ye third day of November one thousand six hundred eighty and three.

[CHAPTER 14.]

[Copied from the original in the office of the Secretary of State. That the act was received by the Board of Trade, on February 17, 1684, appears from the transcript of the Journal thereof, in Doc. Rel. to Col. Hist., of N. Y., III, p. 354.]

A BILL ffor a ffree and Voluntary P'sent To The Govern'r.

[Passed, November 2, 1683.]

Wee the Rep'sentatives in Generall Assembly out of ye Dutifull respect we bear to his Royall Highness and in acknowledgement of ye many great favours conferred on us by his hon'ble Govern'r Coll Thomas Dongan as we conseive ourselves in Duty bound Cannot but according to our ability's make some

more suitable returne than barely owing ye great advantages we have re'd thereby, Wherefore as a signall testimony of our satisfacon therein we Do hereby ffreely and Voluntarily Give and p'sent Unto o'r s'd Govern'r and Doe Desire that he would as ffreely accept and receive from us one penny for every pounds vallue of all ye Reall Pe'rsonall & visible Estate of all and Every ye ffree hold'rs & inhabitants in this his R'll H'sses Province to be Received Collected and leveyed in manner & forme following. Therefore wee humbly pray that it may be Enacted and be it Enacted by ye Govern'r Councill and Representatives of ye s'd Province that all & Every ye p'sons herein after named are hereby appointed Comissioners for putting in Execucion this p'sent act and ye powers therein contained within all and Every ye severall and Respective County's herein after Men'coned ffor ye Citty & County of New Yorke M'r William Beekman Mayor M'r John Lawrence M'r Cornelius stenwyck and M'r John Juyans.

ffor ye County of Ulster. Capt. Thomas Cambors M'r John Joost Mr. William Asfordby M'r Wesselten Broeck.

ffor ye County of Albany M'r John Jansen Blycker M'r Jacob Sandors M'r Martin Goritz M'r John Van Epps.

ffor the Dutches County.

ffor ye County of Orange.

ffor ye County of Westchester M'r John Pell M'r Walter Webley Mr. William Richardson M'r John Archer.

ffor ye County of Richmond Capt. John Palmer Mr. Phillip Wells Capt. Cornelius Corsen Capt. Richard Stillwell.

ffor ye County of Suffolk Capt. Josiah Hobart M'r Joseph ffordham M'r Thomas Mapes Jun'r M'r Epinctis Platt.

ffor Kings County M'r Raloffe Marten M'r Samuel Spicer Mr Cornelius Jansen Berry M'r William Moris of ye Newlottee.

ffor Queens County Capt. Thomas Townsend M'r John Jackson M'r Mathiass Harvey M'r Edward Stevens.

ffor Dukes County.

ffor The County of Cornwall.

Which said Commissioners in ord'r to ye speedy Execution of this act shall in their Respective Countyes meet together within some convenient place within Each of ye s'd Countyes Respectively at or Before the tenth day of December next comeing and ye s'd Com'rs shall Direct their sev'all or Joynt pr'cept or pr'cepts to each Respective towne within their County requiring ye inhabitants of ye s'd towne to meet together and make choice of such numb'r of persons as they in their Discretion shall think meet to the p'sent Assessors Requiring them to appear before ye s'd Com'rs at such time and

place as they shall appoint not exceeding eight days and at such their appearances ye s'd Comiss'rs or soe many of them as shall be there unto appointed shall openly read or cause to be read unto them ye Rates in this act mentioned and how and what mann'r they ought & should make their Certificates according to ye Rates afores'd and shall then and there p'fix an other day to ye s'd p'son to appear before ye s'd Comissioers & bring in their Certificates of ye names S'names of all & every ye p'sons Dwelling or residing within ye limitts of those places with wh'ch they shall be charged and of ye substances and vallues of Every of them in lands moneys and all visible Estates & other things chargable by this act together with ye assessments of ye Respective rates thereby imposed on each p'ticular p'son according to ye Rules & Dire'cons thereof with out Concealment love favor Dread or malice uppon paine of forfeiture of any sums not Exceeding five pounds and shall then also returne the Names of two or more able and sufficient P'sons within ye limitts and bounds of those countys where they shall be Chargeable Respectively as afores'd to be Collectors of ye money Due by this act for whose paying into ye Receiv'r Generall to be appointed by ye Governour his Deputy or Deputys in Manner ffollowing such Money as they shall be Charged with all the County by whom they are so employed shall be answerable which Certificates and assessment so delivered & returned to ye s'd Comission'rs As afores'd they or any two or more of them shall forthwith issue out and deliver their warrants to such collectors as afores'd for ye speedy collecting and levying of ye s'd assessments and all moneys and Rates Due thereupon according to the true intent and meaning of this act of all which ye s'd Collectors are hereby required to make Demand of ye p'ties themselves or at ye places of their last abode within ten days after ye Receipt of ye such warrants and to leavy and pay in ye same in manner and forme hereafter Expressed that is to say one Moyety thereof on or before ye first day of Aprill 1684 the other moyety on or before ye first day of Aprill, 1685 at such place as ye Comission'rs shall appoint to ye Respective Receiv'r Gen'rall his Deputy or Deputyes who are hereby impowerd and Required to Call uppon & hasten the Collectors to ye s'd payment and after ye s'd first Day of Aprill to levy by warrant Und'r ye hands & seals of any two or more of ye Commissioners Uppon ye Collectors by distress such sum & sums of money as he hath rec'd and as ought by him to have been paid and is not paid by Reason of his ffailour in Doeing his Duty according to ye Direction of this act.

And if ye s'd Commissioners or any three of them within ye severall Countys shall at ye time of ye Delivery of ye Certificates or six dayes after have Certaine knowledge or volun'ly suspect that any person or persons Whoe ought to be mentioned in ye s'd Certificates is or are omitted or that any person or persons in ye s'd Certificate mentioned is or are of greater vallue or Estate than in ye s'd Certificates is men'icned ye s'd Commissioners or any three or more of them shall have power to warne such person or persons to appear before them at a day & place p'fixed to be Examined touching their substance & value or touching any other matters which may any way's Concerne ye premisses and if ye p'son or p'sons warned not to be so examined shall neglect to appear not haveing a reasonable Excuse for such his Default every p'son making default shall pay double ye sum of ye rate he should or ought to have been set at and Moreov'r the s'd Commissioners or any three or more of them shall have power By all Lawfull ways and means without oath to Examine & inquire into ye Value and substance of such Persons as are soe Chargable by this act and to set such rate or rates uppon any such persons as shall be according to ye true intent and meaning of this act and ye s'd Receiv'r Generall out of ye s'd rates and assessments shall have an allowance of two pence in ye pound for all money's w'ch shall be by him paid and that Every Collector shall have three pence in ye pound for what money he shall pay to ye Receiv'r Generall his Deputy or Deputyes And if any person or persons shall refuse to pay ye severall sume & sums and proportions by this act appointed for such person to pay uppon demand made to ye Officer or Collector of ye place according to ye p'cept to him Delivered by ye s'd Commission'rs it shall and may be Lawfull to & for such officer or collector who are hereby thereunto Authorized and Required for non payment thereof to Distrein the person or persons so refusing by his or their goods or Chattells ye Distress so taken to keep by ye space of four days at ye Costs and Charges of ye owners thereof and if ye s'd owners doe not pay ye sums of money Due by this Act within ye s'd four day's then s'd distress to be appraised by two or three of ye inhabitants where ye s'd distress is taken and there to be sold by ye s'd officer for payment of ye s'd money and ye overrplus Coming by ye s'd sale (if any be) over & above ye charges & keeping ye s'd Distress to be imediately restored to ye owners thereof.

And if any p'son or p'sons assessed by this act shall refuse or neglect to pay ye sum or sums so assessed by ye space

of twenty days after Demand as afores'd where no sufficient Distress can or may be found where by ye same may be levyed in Every such Case three or more of ye Commissioners by this act appointed for any such County or place are hereby Authorized by warrant Under their hands & seals to Comitt such person or persons to ye Comon Goal there to be Kept without Bayle or Mainprize untill payment shall be made.

And if any p'son assessed or rated find him or herself agreived with such assessing or Rating and Do within ten day's after Demand thereof make Complaine to ye Comissioners the s'd Commissioners or any two or more of them whereof one of ye Commissioners who signed or allowed his or her rate to be one shall & may within fourteen days next after such Complaint p'ticularly Examine ye person so Complaining uppon his or her Oath of his or her Estate afores'd and Uppon Due Examinat'on & knowledge thereof abate Defalk increase or inlarge ye s'd Assessment.

And Be it farther Enacted that ye Commissioners which shall be within any County or place within their Respective limitts or ye Major p't of them shall tax and assess Every other Commissioner joyned with them and as well all sumes uppon Every of ye s'd Comissioners as ye assessments made and p'sented by ye p'sent as afores'd shall be Levyed and Gathered as it should and ought to have been if ye s'd Comissioners had not been named Comissioners.

PROVIDED allways and be it Enacted by ye Authority afores'd that this act & Everything therein Contained shall be of force Untill ye 21st Day of Aprill 1685 and No longer any thing therein Contained to ye Contrary in Anywise notwithstanding.

PROVIDED allways that all Charges Accruing by Reason of the transportacons or Conveyance of any money or other specie Collected by Virtue of this act shall be paid and allowed out of ye Money or specie so Collected as afores'd

PROVIDED also that by ye word money is to be Und'stood ye produce of ye Country vallued att ye Current price for money.

[CHAPTER 15.]

[Copied from the original in the office of the Secretary of State. That the act was received by the Board of Trade, on February 17, 1684, appears from the transcript of the Journal thereof, in Doc. Rel. to Col. Hist., of N. Y., III, p. 354.]

An act to prevent ffrauds in conveyancing of lands.

[Passed November 3, 1683.]

Forasmuch as many abuses and injurys have happened to the Inhabitants of this Province for the want of Duely register-

ing and recording conveyances of Lands whereby disputes and law-Suittes do continually arise; ffor the prevencon whereof; Bee itt enacted by the Governor Councill and representatives in Generall Assembly and the Authority of the same, Thatt from & after the five and twentieth day of December next after the Date hereof, No grants deeds Mortgages or other conveyances whattsoever of any lands or Tenements within this Province shall bee of any force, power or validity in Law, Unless the said grants Deeds Mortgages or other conveyances be entered & recorded in the Register of the County wherein such lands or Tenements do lye within six months after the dayes of their respective dates. Provided always and bee itt further enacted by the authority aforesaid, Thatt none of the aforesaid grants, Deeds Mortgages or other conveyances shall be entered or recorded, untill the party or partys who did Seale and deliver the same shall make acknowledgement thereof before some one of his maties Justices of the Peace, or thatt the same bee by Sufficient Witnesses proved before the said Justice of the peace and Certificates thereof Entered on the backside of the said Deeds, Grants, Morgages or other Conveyance.

Provided always thatt the said Deeds Mortgages or other Conveyances as aforesaid bee by the Clerk or Register of the County where such Deeds, Mortgages or other Conveyances are entered.

Transmitted once every yeare to the Secretarys Office att New Yorke with the ffees ordained for the same, there to be registered and Entered.

Provided also thatt the sume menconed in the said Deeds Mortgages or other Conveyances do exceed the sume of fifty pounds and no otherwise.

Provided also thatt if the Clerk or Register shall neglect to transmitt the said Records as aforesaid thatt the such neglect of the Clark shall nott prejudice the right of any p'son claiming any such Lands by vertue of such Deeds Mortgages or Conveyances as aforesaid, butt thatt for such Neglect the said Clerk shall loose his place & be made for ever incapable to Execute any place or office of trust within this Province.

Second Session, October, 1684.

THOMAS DONGAN, GOVERNOR.

CHAPTER 1.

[Copied from the original in the office of the Secretary of State. The portion of the original law containing the signature of the Governor, and

the date of passage is torn off. The date of its passage, as October 21, 1684, is given by E. B. O'Callaghan, in Hist. Int. to Journals of the Legislative Council of New York, p. 12.]

A Bill for Explaneing Severall Clauses in the Act for Establishing Courts of Justice within this province.

[Passed, October 21, 1684.]

WHEREAS by Act of this p'sent Generall Assembly amongst other things it was Enacted & provided that not lesse then four Justices of the peace of Each Respective County together with a Judge should hould and keep the Court of Oyer and terminer and Generall Goale delivery which Numbr hath by Experience beene found troublesome and inconvenient Bee it therefore Enacted by the Governour Councell & Representatives in Generall Assembly mett and Assembled and by the Authority of the Same that from henceforth one of the Judges, any three of the Justices of the peace of ye County being p'sent, Or two or three Judges and two of the said Justices being p'sent may hold and keep any of the said Courts of Oyer and Terminer and adjourne the Said Court from time to time as to them shall seeme meet and convenient PROVIDED that the Sessions of the Said Court Continue no Longer than seaven dayes And act and doe all such other thing and things as by the afores'd Act they are empowered enjoyned and required any thing in any form'r Act of Assembly to the Contrary hereof in any wise Notwithstanding

And whereas it Some times happens that through bad weather and Contrary winds the Judges Cannot be precisely at the time and place appointed for the Said Courts to be held and kept in. Be it further Enacted by the authority aforesd that any three of the Justices of the peace of the County meeting on the Said appointed day and place, the Judge or Judges for the Reasons aforesaid being not pr'sent may adjourne the Said Court de die In Diem until the arrivall of the Said Judge or Judges any thing to the Contrary hereof Notwithstanding.

And whereas by the said Generall Assembly it was likewise Enacted that there should be in every towne within this province a monthly Court Consisting of three psons to End all Small Causes to the value of forty shillings and finding that one of the three may be absent or have a Case depending Bee it further Enacted by the Authority aforesaid that If any two of the three psons shall bee prsent they may proceed to Act and doe all such things as by the said Act they are impow-

ered and required Any thing in the said Act to the Contrary hereof Notwithstanding

Bee it likewise Enacted by the Authority aforesaid that the aforesaid psons shall be annually Chosen by the plurality of Voices of the ffreeholders of Each respective town on the second or third day of Aprill And being Soe Chosen as aforesaid and sworne by a Justice of the peace they may hold and keep the said Courts & Doe all such other things concerning the prmisses as by the Said Act are Enjoyned any thing to the Contrary hereof in any wise notwithstanding.

And whereas there is noe time Limitted and appointed how long the County Court or Courts of Sessons shall sitt Be it further Enacted by the Authority aforesaid that from henceforth noe County Courts or Courts of Sessions shall sitt and hold Court Longer than three dayes at one time.

[CHAPTER 2.]

[Copied from the original in the office of the Secretary of State.]

A Bill to Regulate Proceedings in Law.

[Passed, October 22, 1684.]

Bee itt enacted by the Gen'll assembly and Authority thereof that if any verdict of Twelve men shall bee given in any action suite Bill or Demand to bee commenced from and after the first Day of January next Comeing in any Court of Record within this Province Judg't thereupon shall nott bee arrested stayed or Reversed upon any Kind of Circumstantiall Errors, defects mistakes, or default in forme or for lacke of forme butt that all Such defects errors defaults and mistakes and all other matters of Like Nature not being against the right of the Matter of the Suite nor whereby the Issue or Tryall are altered, shall bee amended By the Justices or Judges of the Court where such Judgments shall be given, or where unto the Record shall bee removed.

Bee itt likewise Enacted by the Authority aforesaid thatt from henceforth all Originall Writt & Processe shall express in whose Name the Plan't Sueth whether in his owne Name or as Executor of the Last will and Testament of such a man or administrator of the goodes and Estate of Such a man or assigne Attorney agent or Guardian of Such a man or the like otherwise if exception bee taken before Issue Joyned itt shall bee Good and the plaintiffe Shall pay Cost.

[CHAPTER 3.]

[Copied from the original in the office of the Secretary of State.]

A Bill Declaring of whatt age Lands may bee passed away and Guardians Chosen.

[Passed, October 22, 1683.]

BE IT ENACTED by this Generall Assembly that the age for passing away Lands or hereditament shall be one and Twenty Years, And for Chusing Guardians fourteen years, and all persons of ye age of one and Twenty Years as aforesaid and of Sound understanding and Memory whether Excomunicate Condemned or others except for high Treason shall have full power and Liberty to make their Wills and Testaments and other Lawfull Allienations of their Land and Estate all which to all Intents and Purpose shall bee accounted good in Law.

Provided alsoe and Bee itt further Enacted, by the authority aforesaid that the age for plaintiffs and Defendants in Civill Cases before any Court of Judicature shall be Twenty one years and for all persons under that age their Parents, Mastors and Guardians either personally or by their Attorneys as they shall see meet shall plead and defend their Right and Interest as the matter may require. And in all Cases Capitall or Criminall every person Younger as well as Elder shall be Liable to answer in their proper persons for such crimes and misdemeanors as they shall bee accused of and may alsoe present any misdemeanor to any Magistrate Grand Jury man or Court any Law Custome or Usage to the Contrary Notwithstanding.

Provided always that in Case of Life and Death the Court may assigne Councill to the Criminall in matters of Law only.

[CHAPTER 4.]

[Copied from the original in the office of the Secretary of State. The portion of the bill containing the signature of the Governor, and the date of passage, is torn off. The date of its passage, as October 23, 1684, is given by E. B. O'Callaghan, in Hist. Int. to Journals of the Legislative Council of New York, p. 12.]

A Bill against Common Baratry Champerty & Maintenance

[Passed, October 23, 1684.]

Be it Enacted By this General Assembly and yee Authority thereof that if any person whatsoever shall ffrequently move excite and maintain suits or Quarrells in Courts or in ye Country in disturbance of ye Peace in Taking or detaining in possession

houses Lands or Goods by false Invention or in sowing of Calumniations Rumors and discords whereby disquiet ariseth among Neighbours he shall be deemed and accounted a Common Barretter and being thereof Lawfully convicted for every such offence fforfeit and pay ye summe of Ten pounds Currant money of ye Country;

Be it Further Enacted by ye authority aforesaid that whosoever shall move or Cause to be moved pleas & suits either by their owne or others Procurem't and Sue them att their owne Cost to have part of ye Lands or Gains in Variance and be thereof Legally Convicted Shall be adjudged guilty of Champerty and maintenance and for every such offence shall forfeit and pay the Summe of Tenn pounds Currant money aforesaid and be prohibited ffrom pleading att yee Barr in any the Courts of this Province for and during ye space of one whole yeare.

[CHAPTER 5.]

[Copied from the original in the office of the Secretary of State.]

A Bill Concerning Chirurgions and Midwives.

[Passed, October 22, 1684.]

Be it Enacted by this Generall Assembly and the authority of the same that no person or persons whatsoever employed att any time about the Bodyes of men women or children for Preservation of Life or Health as Chirurgion Midwife or Phisitian or others presume to Exercise or put forth any act Contrary to the knowne approved Rule of Art in each Mistery or occupation nor Exercise any fforce violence or Cruelty upon or towards the Body of any neither young or old without the advice and Consent of such as are Skillfull in the S'd Arts (if such may be had) or att least of some of ye wisest and Gravest then present and Consent of the Patient, and Patients if they be Mentis Compotes much lesse Contrary to such advice or Consent upon such severe punishment as the nature of the fact may deserve.

[CHAPTER 6.]

[Copied from the original in the office of the Secretary of State.]

A Bill Concerning the Choice of Constables.

[Passed, October 22, 1684.]

Be it Enacted by this Generall Assembly and by the authority of ye same that the Constables in each Respective towne or County shall be Elected att ye same time and according to

ye same ways and Methods as have been formerly practiced within this Governm't. That is to say annually on ye third or ffourth day of Aprill by the Majority of voices provided Always that if through the Increase of Inhabitants, enlargements of Bounds or any other ways one Constable is not Capable to officiate the place that then and in such Cases the Inhabitants of the Towne place or County where Such deffect shall happen may make choice of two or more Constables as occasion shall require and if any one being duly elected to serve as Constable shall refuse to serve shall pay ye summe of ffive pounds ffor the use of ye County.

[CHAPTER 7.]

[Copied from the original in the office of the Secretary of State. The date of its passage, as October 23, 1684, is given by E. B. O'Callaghan in Hist. Int. to Journals of the Legislative Council of New York, p. 12.]

A Bill against Fugitive Servants and The Entayners of Them.

[Passed, October 22, 1684.]

Bee itt enacted by this Gen'll Assembly and by the authority thereof that every Servant or Servants that shall depart or absent Themselves frome their Master or Mistresse without Leave first obtained shall be adjudged to Double Their Time of Such Their absence by future Service by any Two Justices of the peace of the County before whome the said Servant shall bee Brought and to make full Satisfaction to their said Master or Mistresse for all Such Costs and Charges and Damages as they shall have Susteined by reason of Such unlawfull Departure which said Costs Charges and Damages the two Justices of the peace as aforesaid have hereby power and authority to Assesse and allow and in Case the said Servant Cannot otherwise Satisfie his said Master or Mistresse he shall doe itt by Service and according to the order and appoynted off the said Justices.

BEE itt further ennacted by the authority aforesaid that whosoever shall knowingly Transport or Contrive the Transportation of any Apprentice Servant or Slave or by any ways aideing or assisting or abetting thereunto and be thereof Lawfully convicted shall bee fined for every such offence five pounds Current money of this province for ye use of ye County and make full Satisfaction to the Master or Mistresse of Such Apprentice Servant, or Slave for all Costs Charges and Damages which the said Master or Mistresse can make appear to have Thereby susteined.

BEE itt further ennacted by the authority aforesaid that whosoever shall Councell, perswade, entice, inveagle, or allure any white Servant whether Male or female either by promises of freedome Matrimony or by any other ways or meanes what soever to omitt or Neglect the Service worke and Imployment of his or her Master or Mistresse and be thereof Convicted shall be adjudged to make full satisfaction to the said Master and Mistresse respectively for the remayning time of the said servant on such termes as the Master or Mistresse and the person soe Convicted can agree or in Leiu thereof to serve Such said Master or Mistresse soe long Time as the said Servant should or ought to have done.

BEE itt further Enacted by the authority aforesaid that if any person whatsoever shall entertaine or afford any manner of releif or sustenance to any Servant Apprentice or Slave knowing thatt the said Servant Apprentice or Slave hath absented himself from his Master or Mistresse without their Leave and be thereof Lawfully Convicted shall pay to the Master or Mistresse of such Servant Ten Shillings for every dayes entertainment and Concealment and be amerced for the use of the County for every Such offence five pounds Current money aforesaid.

[CHAPTER 8.]

[Copied from the original in the office of the Secretary of State.]

A Bill to prevent deceit & Forgerys.

[Passed, October 23, 1684.]

For the preventing of many deceits and fforgerys which may happen through the artifice of wicked and evil minded people Be it Enacted by this Generall Assembly and by the authority of the same that no bargain sale Mortgage or grant of any house or Land within this Province shall be holden good in Law Except ye same be done by Deed in writting under ye hand and Seale of the Grantor & delivery and possession given in part in the name of the whole by the said Grantor or his attorney so authorized under hand and seale and unless ye said Deeds be acknowledged by the said Grantor before one of the Judges of Oyer and Terminer and Generall Goale Delivery within one yeare after sealing thereof and Recorded as is prescribed in an Act Intitled, An Act to prevent ffrauds in conveyencing of Lands made this present session of Assembly

PROVIDED Always and Be it Enacted by the authority aforesaid That if any such Grantor being required by his Grantee his heirs or Assigns to make an acknowledgem't of any grant

sale Bargain or Mortgage by him made according to the true Intent and meaning of this Act shall refuse so to doe It shall be in the power of any Justice of the Peace to committ the party so refusing to Prison without Bayle or Mainprise untill he shall acknowledge the same and the Grantee shall enter his Caution with the Clarke of ye Court of Oyer & Terminer and this shall save his Interest in the meanetime

PROVIDED Also if it seeme doubtfull to the said Justice of the peace whether it be the deed or Grant of the Grantor he shall Cause the said Grantor to enter into a Recognisance double ye vallue of the thing Granted with two sufficient suretys ffor his Appearance at the next Court of sessions then and there to do and receive what by the said Court in that Case shall be Considered and the Caution shall Remaine good as aforesaid;

PROVIDED Also and Be it ffurther Enacted by the authority aforesaid that no Conveyance Deed or Promise shall be of any fforce or Vallidity nor shall the Grantor be Compelled to acknowledge the same if it were obtained by Illegall violence Imprisonm't or any kind of fforceable Compulsions called Duress any thing to the Contrary hereof notwithstanding

PROVIDED likewise this Act nor anything therein contayned shall Include fformer Deeds, Mortgages or Conveyances but leave them in the same Condition as they were before ye making of the same; PROVIDED Also that this said Act nor any Clause therein Contained shall Extend to houses or Lands Given by Will or Testament any thing to the Contrary hereof notwithstanding

[CHAPTER 9.]

[Copied from the original in the office of the Secretary of State.]

A Bill Concerning Purchasing of Lands from the Indians.

[Passed, October 23, 1684.]

BEE itt Enacted by this Gen'll assembly and by the authority of the same that from henceforward noe Purchase of Lands from the Indians shall bee esteemed a good Title without Leave first had and obtaineid from the Governour signified by a Warrant under his hand and Seale and entered on Record in the Secritaries office att New Yorke and Satisfaction for the said Purchase acknowliged by the Indians from whome the Purchase was made which is to bee Recorded likewise which purchase soe made and prosecuted and entered on Record in the office aforesaid shall from that time be Vallid to all intents and purpoases.

[CHAPTER 10.]

[The original of this act is not in the office of the Secretary of State. This copy was made from the manuscript compilation of the "Dongan laws," formerly in the office of the Secretary of State, but now in the New York State Library. The date of its passage, as October 23, 1684, is given by E. B. O'Callaghan, in Hist. Int. to Journals of the Legislative Council of New York, p. 12.]

A BILL Concerning Marriages.

[Passed, October 23, 1684.]

WHEREAS By the Law of England noe Marriage is lawfully consumated without a Minister whose Office is to joyne the partyes in matrimony after the Bands thrice published in the Church or a Lycence first had and obtained from some other person thereunto authorized all which formality cannot be duely practised in these parts yett to the End a Decent Rule may be therein observed Bee It Enacted by the Generall Assembly and by the authority of the same That from henceforth the names and sirnames of Each party who intend Marriage Shall be publiquely read in the parish Church or usuall meeting place where they both then inhabitt three severall Lords dayes together or where noe Church or publique meeting place shall happen to be a publicacon in writeing Shall be fixed fourteen dayes before Marriage on the door of the Constable of Each parish where the partyes inhabit unlesse they bring or produce a Lycence under the hand and seale of the Governour in all which Cases and not otherwise It shall be lawfull for any minister or Justice of the peace within this province to joine together in Matrimony the partyes soe published or producing a Lycence as aforesaid provided alwayes they bring a Certificate from under the ministers hand that published them or under the Constable hand on whose doores their names were affixed which Certificate shall be sent to the office of the Register of the County and there Entred on Record together with a Certificate of their Marriage with the day and date thereof from the party by whom they were marryed there to remaine in perpetuam rei memoriam for Entring and recording of which said Certificates the Clerke or Register shall be paid by the party marryed for Each one shilling, provided alsoe the said partyes purge themselves by Oath if required before the Justice of the peace or the minister who have hereby power to Administer the same that they are not under the bonds of matrimony to any other person living, and if it shall after happen to be proved that either or both of the said partyes are perjured and

thereby obtained another marriage for the said perjury the party or partyes offending shall suffer as in Cases of perjury and further be proceeded against as in Cases of polygamy.
PROVIDED alwayes that if either party be approved innocent the said party soe approved as aforesaid may be free to marry whom they please not forbidden by the Lawes of the province.
BEE It further Enacted by the authority That if any man Shall p'sume to marry contrary to the Law prescribed the person offending shall be proceeded against as for fornication and the minister or Justice That marryed them shall forfeit twenty pounds and be suspended from his benefice and office.
BEE It further Enacted by the authority aforesaid That if any person whether man or woman travailing by sea or Land into any forreigne parts which voyage by Computacon may be perfected in one yeare or lesse of whom noe certaine knowledge or news shall be had within five yeares after his or her Departure nor of any who accompanied him or her in the Voyage It may be justly presumed that such person is Dead and after the Expiracon of five compleate yeares as aforesaid it shall and may be lawfull for the other person to Remarry
PROVIDED Alwayes That if either the man or woman shall at any time after the Expiracon of five years returne and bring full and sufficient testimony that he or she hath divers ways indeavoured by writeing or messages to make knowne to his wife or her husband that he or she were then Liveing or that they were by imprisonment or bond Slavery Lawfully hindered from giveing such Informacon It shall and may be Lawfull for the said man or woman to Challenge his or her premarriage and may by an order out of the High Court of Chancery Cohabit as formerly.
PROVIDED Alwayes that if neither shall sue for such order they may by mutuall agreement Enter a Release to Each other which Release Shall be Entered in the Office of Records and both remaine free from their former obligacons.
PROVIDED Nothing in this Act Shall be Construed or intended to prejudice the Custome and manner of marriage amongst the Quakers, but their manner and forme of marriages shall be judges Lawfull; provided they Admitt of none to marry that are restrained by the Law of God contained in the five bookes of Moses; and that they permitt none to be marryed within their Congregation or meeting of any other persuasion then themselves Except by Licence from the Governour or publicacon as this Law directs and record made of such marriage, as this Law does direct under the penalty aforesaid.

[CHAPTER 11.]

[Copied from the original in the office of the Secretary of State.]

A BILL Concerning Cattle Corne Fields and Fences.

[Passed, October 23, 1684.]

FORASMUCH as it is best knowne to ye Inhabitants of each Towne how and in what manner their Cattles ought to be marked & their Corn ffields to be ffenced and forasmuch as a generall Law in this kinde may not be equally convenient to all places, Be it enacted by this Generall assembly and the authority thereof that it Shall and may be Lawfull for ye Inhabitants of any Towne within this Province by warrant under ye hand and seale of some one Justice of ye Peace of ye County within which the said Towne doth lye to Convene and meet together so often as occasion shall require and to Consult of and make such Laws & ordinances concerning the marking and Impounding Cattle and ffencing their ffield & meadows as to them shall seeme meet and Convenient Provided always that none of ye said Laws or Ordinances be repugnant to the Laws of this Province and that they be allowed and Confirmed by the next Court of Oyer and Terminer which shall ffirst happen after the making of such Laws as aforesaid otherwise to be of no force or virtue;

PROVIDED likewise that two of the Justices of the Peace of the said County together with the Major part of the Inhabitants of the said Towne do Consent and that all be duely summoned to bee att the said Towne meeting where such Laws are made as aforesaid.

[CHAPTER 12.]

[Copied from the original in the office of the Secretary of State.]

A Bill Concerning Burialls

[Passed, October 23, 1684.]

WHEREAS: the private Burialls of Servants and others Gives Occasion of much Scandall against divers persons and Sometymes (not undiserndedly) of being guilty of their deaths from which If the person Suspected be Innocent there Can be no Vindication nor If guilty punishment by Reason they are for the most part buried without the knowledge or View of any others than Such of the family as by neerness of Relation are unwilling or as Servants are fearfull to make discovery If murder were Committed:—Be It Enacted by this generall

Assembly and by the Authority of the Same that within every Parish within this Government there shall be one or more places apoynted for the Buriall of the dead and before the Corps be Interred there shall be three or four of the Neighbours at least Called who may in Case of Suspision View the Corps and according to the desent Custom of Christendom Accompany It to the Grave and that noe person Shall be Buried in any other place then those so apoynted unless Such as by their own appoyntment in their Life tyme have Signified their desire of being Interred in the Buriall place of Some other Parish.

[CHAPTER 13.]

[Copied from the original in the office of the Secretary of State.]

A Bill Concerning Assignments of Specialtys.

[Passed, October 23, 1684.]

Be itt Enacted by this Generall Assembly and by the authority of ye same y't any Debt or Debts due upon Bonds or other Specialtys or any other note in writting for any Debt Duty Demand matter or thing assigned to any other person or persons shall be as good and effectuall in ye Law to ye assignee or assignees as they or either of them were to such person or persons att ye time of the assignm't of such Bonds or other specialtys or Noates in writting and that it shall be lawfull for such assignee or assignees his or their Executor Administrator or Assignees to demand sue for recover all such Debts Dutyes and Demands whether upon Bonds or other specialtyes or any other note in writting in ye assignee or assignees one Name or names or in ye Name of the Executor administrator or assignees of such assignee or assignees as fully to all Intents and purposes as Ye Originall Creditor might have done Provided Alwayes the said Assignm't be made cn ye Back side of ye Bond or other specialty or noate in writting or on some paper or parchment thereunto annexed & attested att Least by one witnesse or Acknowledged by the assignee before some Judge of Record.

[CHAPTER 14.]

[Copied from the original in the office of the Secretary of State.]

A Bill Concerning Brewers.

[Passed, October 23, 1684.]

Bee It Enacted, By this Generall Assembly & the Authority of the Same that noe person whatsoever shall undertake the

Calling or work of Brewing Bear for Sale; but only Such as are known to have Sufficient Skill or knowledge in the art or Mistry of a Brewer; and If any Master of a Shipp or Vessell or any other person whatscever shall purchase or buy any Bear of any Brewer within this Government; which Bear Shall prove unwholeSome and Useless for their Suply either through the Insufficiency of the Mault or brewing or bad Cask; the person wronged thereby Shall be and Is Inabled by Vertue of this Act to maintain an Action against the person or persons from whome the said Bear was Received; and to Recover his Just damages.

[CHAPTER 15.]

[Copied from the original in the office of the Secretary of State.]

A Bill Concerning Orphans.

[Passed, October 24, 1684.]

Bee it Enacted by this Generall Assembly and the Authority of the Same that all persons That have or hereafter shall have any Estate of Goods Chattels or Lands in their Possession belonging to any That are under age shall once Every yeare Exhibit an Inventory and Account of the Said Estate to the Respective Court of Sessions in whose Jurisdiccon Such Estate Lyeth And in Case any person or persons which have such Estate in their hands doe not At the time and place aforesaid present the Inventory and account of such Estate as aforesaid that then the party soe neglecting Shall be sued for such his neglect And if noe good improvement have beene made on the Same Estate it shall be in the Power of the Court before Whom the Accon is brought to Compell the Said person in whose hands the Said Estate remayneth to give in Good Security for the better improvement and management of the Same or otherwise to remove it into the hands of some other person or persons as the Court shall thinke meet and Convenient.

[CHAPTER 16.]

[Copied from the original in the office of the Secretary of State. The portion of the original law, containing the signature of the Governor, and the date of passage is torn off. The date of its passage, as October 24, 1684, is given by E. B. O'Callaghan, in Hist. Int. to Journals of the Legislative Council of New York, p. 12.]

AN ACT for Quieting of mens estates & the Limitation of Certain actions for Avoiding of suits In Law.

[Passed, October 24, 1684.]

For Quieting of mens Estates, and avoyding of suits, Be it Enacted by the Governour Councell and assembly now assem-

bled that all writts or Actions for any Reall Estate whatSoever att any time hereafter to be sued or brought by occasion or means of any title or Cause hereafter happening shall be sued & taken within seven years next after the title & Cause of Action ffirst Descended or ffallen, and att no time after the said seven years:

And that no person or persons shall att any time hereafter make any entry in Reall Estate but within seven years next after his or their Right or Title which shall hereafter ffirst descend, or accrew to the same, and in deffault thereof such person in not entring and their heirs shall be utterly Excluded & disabled from such entry after to be made, any fformer Law, Custome or Usage to the Contrary Notwithstanding; Provided nevertheless That if any Person or persons that is or shall be entituled to such Writt or Actions or that hath or shall have such Right or Title of entry bee or shall bee att ye time of the said Right or Title ffirst descended, accrewed, come or ffalen within the Age of one and twenty years, ffeme Covert, non Compos mentis, Imprisoned or beyond the seas, That then such person and persons and his and their Heir and Heirs shall or may notwithstanding the said seven years be expired bring his Action or make his entry as he might have done before this Act; so as such person and persons and his and their Heir & Heirs shall within three Years next after his and their ffull age, Discoverture, coming of sound Mind, Inlargement out of prison, or Coming into the Province, take benefitt off, and sue fforth the same, and att no time after the said three Years; And Be it ffurther Enacted that all Actions of Trespasse Detinue, Action of Trover, and Replevin for Taking away of Goods and Chattles all Actions of Account & upon the Case, other when such accounts as Concerne the Trade of Merchandise between Merchant and Merchant their ffactors or servants, all Actions of Debt grounded upon any Lending or Contract without specialty all Actions of Debt ffor arrearages of Rent, and all actions of Assault, Menace, Batery, Wounding & Imprisonment or any of them which shall be sued or brought att any time after the beginning of this present session of assembly shall be Commenced and sued within the time & Limitation hereafter expressed and not after (That is to say) The said Actions upon the Case (other then for slander) and the said Actions for account, and the said Actions for Trespasse, Debt Detinue and Replevin for goods or Cattle within three years, after the beginning of this present session of assembly or within Six years after the Cause of such Actions or suit & not after; And the said Actions of Trespass of Assault Battery Wounding

Imprisonment or any of them, within six months next after the beginning of this present sessions of Assembly or within nine months next after the Cause of such Actions or suit and not after, And the said action upon the Case for words, within six months after the beginning of this present session of assembly or within nine months next after the words spoken and not after

And be it ffurther Enacted by the authority aforesaid that in all actions upon the Case for slanderous words, to be Sued or prosecuted by any person or persons in any the Courts of this Province after the beginning of this present session of Assembly, If the jury upon the Tryall of the Issue, in such Action, or the Jury that shall enquire of the Damages do ffind or Assesse the Damages under fforty shillings, then the said plaintiff or plaintiffs in such Action shall have & recovered only so much Costs as the Damages so Given, or assessed amount unto without any ffurther Increase of the same, any fformer Custome, usage or practice to the Contrary in any wise notwithstanding.

Provided neverthelesse and be it ffurther Enacted, That if any person or persons that is or shall be entituled to any such action of Trespasse, Detinue, Account, sur-Trover, Replevin, Actions of accounts, Actions of Debts, Actions of Trespasse, for assault, Menace, Battery, Wounding or Imprisonment actions upon the Case of words, be or shall be att the time of any such cause of Actions, given or Accrewed, ffallen or Come, within the Age of one and twenty years, Feme Covert, Non Compos mentis; Imprisoned or beyond the seas, That then such person or persons, shall be att liberty to bring the same Actions, so as they take the same within such Times as are before Limitted, after their Comming to or being of ffull age, discovered of sane memory att Large and Returned ffrom beyond the seas as by other person having no such Impediment should be done.

[CHAPTER 17.]

[Copied from the original in the office of the Secretary of State.]

A Bill to Prevent the Absence of Justices of the Peace, from Their Courts.

[Passed, October 24, 1684.]

Be It Enacted by ye Generall Assembly that if any Justice of ye Peace shall be Absent from ye sessions Held within ye County where he inhabits or from ye Court of Oyer and Terminer and Generall Goal Delivery so that ye Court or Courts

Cannot proseed to business for want of a sufficient Number of ye s'd Justices to make a quorum he shall be amersed for evry Days absence five pounds to ye Use of that County Provided allway that If It appear to ye Court that ye said Justice was nesessarily hindered by any apparent act or Providence of God which he Could Neither forsee nor avoid The said Justice shall be Held Excusable and No ways Liable to ye abovesaid Amercem'ts, Provided allwayes that this Act or any thing therein contained shall in no wise extend or reach to any, who are of the Councell.

[CHAPTER 18.]

[Copied from the original in the office of the Secretary of State. The portion of the original law containing the signature of the Governor, and the date of passage is torn off. The date of its passage, as October 24, 1684, is given by E. B. O'Callaghan, in Hist. Int. to Journals of the Legislative Council of New York, p. 18.]

A Bill Concerning Masters servants Slaves Labourers and Apprentices

[Passed, October 24, 1684.]

Be it Enacted by this General assembly and by the authority of ye same that no servant or slave either Male or Female shall either Give Sell or Truck any Comodity Whatsoever during ye Time of their service under ye penalty of such Corporall punishm't as shall be Ordered to be Inflicted by Warrant under ye hands of two Justices of ye Peace of the County where ye said servant or Slave doth Reside and if any person whatsoever shall buy of Receive from or Truck with any servant or slave Contrary to this Law they shall be Compelled by Warrant as aforesaid to Restore ye said Comodityes so bought Received or Truck'd for To ye m't of such serv't or slave & fforfeit for every such offence ye summe of ffive Pounds Currant money of ye Country to be levyed by distresse by Warrant under ye hands of two Justices of ye Peace as aforesaid And if any person whatsoever shall Creditt or Trust any servant or slave for Clothes Drinke or any other Comodity whatsoever ye said person shall loose his Debt & be for ever Debarred from maintayning any suit att Law against ye said servant or slave for any matter or thing so Trusted as aforesaid;

Provided alwayes if any master or Dame shall Tyranically & Cruelly abuse their servants or not allow them sufficient Provisions or apparell upon Complaint by such servant or servants to any Justice of ye Peace the said Justice may bind ye said master or Dame over to ye Next sessions then and there to answer ye premises and if upon hearing ye matter

the Complaint be ffound true the Court may order the said Master or Dame to give in Good security for their better abearing themselves towards their said servants for the ffuture and upon ye Partyes Refusall to give in such security as aforesaid The Court may and shall have power by virtue of this Act to set the said servant or servants att Liberty and ffree him or them from any ffurther service to his or their said Master or Dame But in case any servant or servants shall causslessly complaine against their master or dame if they cannot make proof of a just occasion for such complaint. such servant or servants shall by the Justices of ye Court of Sessions be enjoyned and Ordered to serve his or their Master or Dame six moneths time gratis Extraordinary for such undue Complain Be it Further Enacted by the authority aforesaid that if any servant or slave shall Run away from their Master or Dame every Justice of Peace within this Province is hereby Authorized and Impowered to grant Hue and Cry after the said Servant or slave ye Master or Dame having ffirst given in Security for ye Paym't of ye Charges that shall thereby accrew and all Constables and Inferior officers are hereby strictly required and Commanded authorized & Impowered to presse Men horses Boates or Pinnaces to pursue such persons by sea or Land and to make Diligent Hue and Cry as by the Law is required

And forasmuch as Merchants and other Tradesman who take apprentices have and may sustaine Great Losse & Damages by ye allurement and Inticem't of evil minded Persons persuading the said Apprentices to Purloyne theyr Masters Goods & Giveing them Entertainment att their houses att unseasonable houres to ye Great Detriment of ye s'd Master and utter ruine of ye said apprentices; Be it ffurther Enacted by the authority aforesaid that if any person or persons shall persuade allure or Intice any Apprentice to take steale Carry away or purloin any Goods Wares Merchandized or money so taken or purloyned as aforesaid either directly of Indirectly and be thereof Lawfully Convicted the person or persons so offending shall ffor every such offence fforfeit the sume of one hundred pounds Currant money of the Country and the Master or Mistris of such Apprentices may maintain an action att Law against the person or persons so offending and shall Recover all such Damages as Cann be made appear to have accrued by Means of such person or persons who shall be Convicted of the premisses as aforesaid;

Be it further Enacted by the Authority aforesaid that if any person or persons ether Lycenced or others shall entertaine

or suffer any apprentice to be entertayned or to be and Remaine in any of their houses knowing him to be such att unseasonable houres, That is say after the houres of eight or Nine of the Clock att night att the ffurthest the person or persons so offending shall for every such offence being thereof Lawfully Convicted fforfeit the sume of ffive pounds Currant money of the Country ye ffine for the benefitt of the County;

[CHAPTER 19.]

[Copied from the original in the office of the Secretary of State.]

A Bill Concerning Arest.

[Passed, October 24, 1684.]

Bee It further Enacted: By this Gen'all Assembly, That no Sherriff or other officer Shall Execute, any writt or warrant of what nature soev'r whith'r Originall or Juditiall upon any p'son or p'sons or ye Estate eith'r upon ye Sabaeth day Christmass day ye day of Humiliation for ye death of ye Late King or upon ye day appointed for thanksgiven for his Maj'stys happy restauration or upon the 14th day of Oct. being the birth day of his Royall Highnesse James Duke of Yorke and Albany Lord Proprietor of this Province or upon ye fifth day of Novem'r nor shall any of ye Writts aforesaid be Executed or Served on any p'son or p'sons w'tsoev'r whilest they are at goeing to or Returning from any publique fair or Markett w'ch shall be Established for ye Publique good of this Province, Nor on any Such goods or Traffique as they shall Carry to Such fair or Markett for Sale: Provided allways noe Long'r tyme be allowed for their going or Returning than ye Journey or Voyage may Reasonably be p'formed in. And If any Sheriff Offic'r or oth'r p'son Whatsoev'r shall arest or Imprison ye Body or attach the goods of any Person Contrary to this Act. Y't y'n the p'ty whose 'psons or goods was so arrested Imp'risoned or attached shall by Vertue of this Act maintaine an Action of false Imprison't ag'st Such Sheriff or Offic'r or oth'r & Recov'r all his damages Sustained by Such Arest, Imprisonm't or attachm't & all Judgm't verdict & Executions had or obtained ag'st any p'son w'soev'r & grounded on any Such Writt Imp'risonm't or atachm't as afores'd are hereby declared Null & void to all Intents Construction and purposes w'toev'r any thing to the Contrary hereof in any wise notw'thstanding. Provided allways y't It shall & may be Lawfull for ye Sheriff or any oth'r Offic'r to apr'hend & Carry to Prison any P'son or p'sons for Treason fellony & breach of ye peace or Escape out of Pr'son when und'r Execution uppon any

day at any place any thing in this Law to the Contrary hereof notwithstanding. Provided also and be It furth'r Enacted By ye Authority aforesaid, That all Persons who attend ye Councill Board ye Court of Chanc'ry ye Court of Oy'r and Termin'r or Sessions or any oth'r Court w'thin this Province for Publique Service or in Compulsion Shall be free from any Arest Comeing whilest they stay at & goeing from ye Said counc'll Board or Court Provided their Stay Exceeds not forty eight hours aft'r ye Court breaks upp or y't they are discharged from Such attendance and all Persons w'tsoev'r who shall be arested Contrary to the True Intent & meaning of ye Premises uppon Complaint and Proof made to any memb'r of y't Court w'th hath Jurydiction of ye Cause from whence the Said Arest Proseeded the p'son or p'sons shall be Sett at Liberty and discharged. And If any p'son shall at any tyme be Sued for Such dischargeing or Setting Such p'son at Lib'rty as aforesaid, he may plead the Generall Isue and give this Act in evidence for his defence and Justification Provided also y't noe person shall be arested for any Debt Untill Tyme That Ye Said Debt shall become due is Expired Unless It appear uppon Oath Y't the Debt'r is about to Convey himself away on purpose to avoid ye Action and defraud his Credit'r In w'ch Case the said Debt'r shall not be discharged unt'll he give in good Security to answ'r the plaintifs Action when the Debt becomes due or y't the Said debt shall be duly and Truely Sattisfied according to the Ten'r of the Obligation by w'ch It becomes due to the plantif.

Provided also y't noe p'son und'r the age of Twenty One Years shall be arested in any Civill action or Suite Unless the Debt, on w'ch the Suite or Action Is grounded became due for diet or apparell. Provided allways y't noe mans person Taken in Execution shall be kept in prison for Debt, or fine Long'r y'n the End of ye first Court w'ch shall happen aft'r his Committm't, Provided It be the same Court from whence ye Execution proseeds unless the Plaintiff shall Make It appear that the p'son Imprisoned hath Some Estate w'ch he will not p'et w'th all or produce Butt If noe Estate Can be found then the Debt'r shall Sattisfie his Debt by S'rvice according to ye Ord'r and appoyntm't of the Said Court as also the Charges of his Imprisonm't. Provided the Credit'r or Sheriff desire the Same. If not uppon the prison'rs request and makeing Oath in open Court, y't he hath noe Estate to the Value of five pounds, the Court may dismisse the said Prison'r and discharge him from his imp'risonm't any Law Custom or Usuage to the Contrary hereof in any wise not withstanding.

[CHAPTER 20.]

[Copied from the original in the office of the Secretary of State.]

A Bill for the Settlement of the Militia

[Passed, October 27, 1684.]

For the better Regulating of the Militia within this Province for the Common Defence and Preservation Thereof Bee it enacted by the Governour Councell and Representatives in assembly met and assembled, and by the authority of the same

That a Major be appointed in such County (Capable thereof) as head of the Militia there; as ye Govern'r shall think fitt: That noe Master of Vessells bee exempt from Training but such as are above fforty Tunns.

That all persons though ffreed from Training by the Law yet that they be obliged to Keep Convenient armes and ammunition in Their houses as the Law directs To others

All fines for Neglect of Townes, bee Imposed by the Courts of Sessions or County Courts, but for the Neglect of particular persons, by the Captaines and Commission Officers

That the Governour doe chuse appoint & commissionate all officers of the Militia within this province provided that all such officers bee Chosen out of the Freholders inhabitants within the Respective Townes and Counties where their Companies are

That the Clarke, of the Respective Companies who are to bee Sworne bee empowered by Their Commission Officers to Levy all fines and Penalties as shall bee adjudged and Give account thereof to the said Officers

That noe fines doe goe to the Commission Officers but that they bee employed in the buying of Drumes and Colours Italberds Trumpetts and other Necessary Charges Relateing to the Militia to bee disposed off by the severall Commission Officers of the Townes or Counties

That all Warrants from the Governour and Councell bee sent to the Majors of each County, who are to give orders for drawing together the severall Companies of the County.

Match Locks being not thought necessary in this Country that none bee obliged to provide them.

That military offences be adjudged By the Major (if present) and Captaines in each County, but if absent the Captains and Commission Officers to adjudge Them.

That if any Servant upon pretence of goeing to the warrs against the Enimy doe runne away from his Masters service

he shall if taken be Greviously punished att the direction of the Governour and Councell.

And that other persons nott Excused by Law pretending tender Consciences (soe nott willing to beare armes) doe find a Man to serve in their Stead or pay their fines as the Law directs or are Left to agree with the Military Officers of the place

As to other matters any way relating to Military affaires nott herein exprest, all persons are to be regulated as in his Royall Highnesses Lawes is Directed. And be it further Enacted that every person Mustered or to be Mustered shall Once every yeare pay unto the Master Master his Deputy or Deputys by him Appoynted in each respective County the sum of four pence halfe penny

[CHAPTER 21.]

[Copied from the original in the office of the Secretary of State.]

An Act to prevent Arrests of Judgments and Superseding Execucons.

[Passed, October 27, 1684.]

WHEREAS greatt delay trouble and vexacon hath been and is still Occasioned to the People of this Province as well by arresting and reversing of Judgments, as by staying of Execucons by Writts of Error and Supersedeas; Bee itt enacted by the Governour and Councell and Assembly now assembled and by the Authority thereof, That after Judgment shall bee given in any of the Courts of this Province, the Partys and their heyers shall bee thereof in peace untill the Judgment bee undone by Attaint or Error, to bee brought within eight and twenty days after Judgment given, in which time no Execucon to Issue forth, butt after Execucon no attaint or writt of Error to bee brought. And bee itt further enacted, Thatt if any verdict of twelve men shall bee given in any action, Suit, bill or demand, to bee commenced from and after the first day of November next ensuing in any of the Courts of this Province, Judgment thereupon shall nott bee stayed or reversed for Default in forme or lack of forme, or by reason there are nott pledges, or butt one pledge to prosecute, or for default of entering Pledges upon any Bill or Declaracon or for Default of alleging the bringing into Court of any bond, bill, Indenture or other Deed whattsoever, Letters Testamentary, or Letters of Administracon, menconed in the Declaracon or other pleading, or by reason of Omission of Vi et armis, or contra pacem, or for or by reason of the mistaking of the Christian name or Surname

of the Plaintiff or Defendant, sume or sumes of money, day, month or yeare by the Clerk in any Bill Declaracon or pleading where the same is or are once truly & rightly alleaged in any writt, Declaracon or Record proceeding where the mistake is committed, whereunto the Plaintiff might have demurred and shown the same for cause. Butt thatt all such Omissions variances and defects and all other matters of like nature, nott being against the right of the matter of the suite nor whereby the issue or Tryall are altered, shall bee amended by the Justices or Judges of the Courts where such Judgments are or shall bee given, or whereunto the said record is or shall bee removed by writt of Error.

And Bee itt further enacted by the Authority aforesaid, Thatt from and after the first day of November next ensuing, No Execucon shall bee stayed in any of the aforesaid Courts by Writt of Error, or Supersedeas thereupon, after Verdict and Judgment given in any accon reall or personall whattsoever, unlesse sufficient Security shall bee first given with two sufficient Suertys, in Double the Value of the action to the Clerk of the Court (wherein such Judgment is or shall bee given) wherein they shall bee bound to prosecute the said Writt of Error with Effect, & also to sattisfy and pay (if the said Judgment bee affirmed) all and singular the Debts, damages and Costs adjudged or to bee adjudged upon the former Judgment, and all costs & damages to bee also awarded for the same delaying of Execucon.

And bee itt further enacted by the Authority aforesaid thatt where any person or persons is or shall bee Barred in any accon Reall or personall, by Judgment upon Demurrer, Confession or Verdict; Such person & persons and their heyres, are & shall bee Barred as to that or the like action, of the same nature for the same thing for ever.

[CHAPTER 22.]

[Copied from the original in the office of the Secretary of State.]

A Bill for Executing the Judgm't of the fformer Courts of Assizes & Sessions.

[Passed, October 27, 1684.]

Whereas By the Alteration of the Courts of Justice within this Province Execution cannot be now awarded on the Judgment obteyned in any of the said Courts, Be it Enacted by this Generall Assembly and by the authority of the same that it shall and may be lawfull for any one of the Judges of Oyer & Terminer

and Generall Goale delivery to award and signe Execution on any Judgment obteined in the Court of Assises fformerly held and kept, & For the President for the time being of any of the Courts of sessions now by Law established to award and signe Execution upon any Judgment obtayned in any of the fformer Courts of sessions held and kept within the County in which the said President hath now Jurisdiction, all which Execution shall be as good and effectuall in Law to all Intents and purposes as if they had been awarded and signed by the Judge or President of any of the said Courts then in Being any Law Custome or Usuage to the Contrary hereof in any wise Notwithstanding; Provided always that Execution hath not been before awarded or Issued out on any of the said Judgm'ts and that, none of the s'd Executions shall be granted unless a writt of seire facias be ffirst Issued out for the party to come in and then Cause why Execution should not be awarded as aforesaid.

[CHAPTER 23.]

[The original of this act is not in the office of the Secretary of State. This copy was made from the manuscript compilation of the "Dongan laws," formerly in the office of the Secretary of State, but now in the New York State Library. The date of its passage, as October 27, 1684, is given by E. B. O'Callaghan, in Hist. Int. to Journals of the Legislative Council of New York, p. 13.]

A BILL for Cording of firewood.

[Passed, October 27, 1684.]

WHEREAS great abuses are made by them that make their profession to Sell firewood within this province Bee it Enacted by the Governour Councell and Representatives in Generall Assembly and by the authority of the Same that from and after the first day of July next Ensueing the date hereof noe firewood Shall be Exposed to Sale within this province But only Such as Shall be Cutt after the manner of Cordwood, which Said Cord is to containe Eight foot in Length four foot in breadth and four foot in hight under the penalty of forfeiture of Such firewood as shall be Exposed to Sale Contrary to the Tenure of this Act. PROVIDED Always that it Shall and may be lawfull for all persons to Cutt and hew or cause to be Cutt and hewed all manner of firewood either of a Longer or Shorter Size as before is Exprest, provided the Same be for their owne use and spending and not for sale, provided that the forfeiture of all wood shall goe one third to the informer the other to the use of the County.

[CHAPTER 24.]

[Copied from the original in the office of the Secretary of State.]

A Bill for the More speedy and better Collecting the Governor ffree and Voluntary Present.

[Passed, October 27, 1684.]

Whereas severall of the Inhabitants of this Province have been Backwards in the payment of their Rates due by an Act Entituled a Free and Voluntary present to the Governour and whereas the said Act will expire on the twenty one day of Aprill next ensuing by which means no legall way will be left for the Collecting and Receiving the said arrears; Be it Enacted by this Generall Assembly and by the authority of the same that all Collectors who have been Impowered to receive any of the said Moneys by Vertue of the said Act, who shall not make due payment of the same according to the true Intent and meaning of the said Act, before the said twenty one day of Aprill next ensuing shall be lyable to be sued for such summe or summes as they shall be in Arrears, and to make satisfaction of the same out of his or their own proper Estates, and also to pay Ten pounds Damage for every hundred pounds which they shall be ffound in arrears, and Loose all the benefitt acruing to them vertue of the said Act.

[CHAPTER 25.]

[Copied from the original in the office of the Secretary of State.]

An Act for the Encouragem't of Trade and Navigation w'thin this Province

[Passed, October 27, 1684.]

For as much as oth'r his M'ties Plantations in America have and doe dayly receive and reap great benefitt & advantage by direct and Imediate Trade Traftique & Commerce to & from his Ma'ties Realme of England & y't the Importation of goods & merchandize of ye growth Produce & manufacture of Eurrope into this province from oth'r parts and places hath been & Is of great prejudice and Inconveniency to the Inhabitants thereof

Bee It Enacted by the Govern'r and Counc'll & Rep'sentatives in Gene'all Assembly mett & assembled & by ye authority of the same That from and aft'r the first day of November next ensuing.

All goods wares and Merchandizes whatsoever of the growth Produ'tt'n or Manufacture of Europe as shall be Imported into this Province or Dependencey or any part thereof from any oth'r Port or place whatsoev'r but shall be w'thin the said Realme of England or oth'r his Ma'ties dominions in Eurrope w'ch by Law may Trade to the plantations and fro' thence be directly Transported to this Province shall pay to his Roy'll Hig'e and his heirs or to such Person or p'rsons as by him or them shall be appoyn'd to Coll'ct & Receive the Same. the Sum of tenn pound cur'tt money for every hundred Pounds Value thereof according to the Rates & prises of such Goods, wares or merch'tdize at such place and tyme as they shall be Imported and y't all goods wares and merch'tdize of the growth produ'tt'n or manufacture of Jemeca Bardadoes or any oth'r ye Caribie Islands that from and aft'r the tyme afores'd shall be Imported into this P'vince or Its dependencyes fro'any oth'r port or place but directly from Jemeca Barbad's or some oth'r the Caribie Islands the places of Its grow'h Produ'tt'n and manufacture Shall pay the like sum of Tenn £ for every Hundred pounds Value thereof in maner as afores'd & for ye bett'r Encouragem't of The navegation of this province: Bee it furth'r Enacted by ye authority afores'd that all whale oyle & whale bone & wheat as from and aft'r the S'd first day of November shall be Shipped or Exported out of this province or dependency or any port thereof for any oth'r port part or place but directly for the Realme of England Jemeca Barbadoes or Some oth'r the Caribie Islands shall pay ye Like Sum of 10 £ for every 100 £ Value in man'r afores'd. according to the Value where the same shall be Shipped and ye all and every Mast'r of Ships or oth'r Vess'll that shall Intend to shipp or load any of ye S'd oyle or whale bone & wheat on board any Shipp or Vessell whatsoev'r to trancep't ye Same out of this province Shall before his tak'n the Same on board give Bond to Such Offic'r as shall be appoynted to Coll'ct and Receive his Roy'l High'es Custom in Such port where the Same is to be Shipped Or Loanden with sufficient security for double the Vallue of the said Oyll and Whale Bone & Wheat to be shipped or Loaden, That the same Shall be carryed and delivered att some Port or Place within the said Realme of England Jamaico, Barbados or some other ye Caribee Islands and att no other Port or Place whatsoever and that they will produce a Certificate of such the Delivery att ye places aforesaid under the hand of some publique officers within twelve months after the said Bond given (the Dangers of the seas excepted) under ye paines penaltyes and fforfeitures as in the Act made this present

session of the assembly ffor the Establishm't of Custum and Excise for Defraying the Charge of the Governm't is particularly mentioned and Expressed to be sued and Recovered as therein is directed; Provided that nothing in this Act shall be Construed or Intended to prejudice or lay any Imposition upon ye Traders to and from Newfound Land, Westeren Islands, or ye Madera-

(five or six lines torn off.)

Nor upon any Oyle Whalebone that shall be shipt off att the Port of New Yorke any thing in this Act to the Contrary in any wise notwithstanding And this Act to Remaine in fforce during the Time of Eleven Years after the ffirst day of November next ensuing and from thence untill the end of the next session of the Generall Assembly;

[CHAPTER 26.]

[Copied from the original in the office of the Secretary of State.]

A Bill to prevent Damages done by Casting Ballast Into Rivers.

[Passed, October 28, 1684.]

Be it Enacted by this Generall Assembly and the authority thereof That no shipp, Sloop or Boate or vessell what kind soever shall Cast out any Ballast out of the said shipp Sloop or vessell Into any River, Creeke, Roade, Harbour or Dock within this Province upon the penalty of Tenn Pounds Currant money of this Countrey to be paid to the use of the Countrey, for every such offence being thereof lawfully convicted.

[CHAPTER 27.]

[Copied from the original in the office of the Secretary of State.]

A Bill For an Annuall salary to the Judges of this Province.

[Passed, October 28, 1684.]

FORASMUCH as the speedy & easy administration of Justice under the fforme and Method now Established for the Judges of the Province to hear, try and determine all Actions & Causes and give Reliefe therein to all sorts of persons in the severall Countys and partes thereof without putting the suitors or persons Concerned in any Action Cause or Controversy to the trouble, Charge and Expense of Travailing out of their Countys Justice being brought to their Doores and all parts and persons partaking of the Ease and Beneffitt thereof is of Great proffitt

and very Commodious to the Inhabitants But not done & performed without great trouble paines and Expense to the persons appointed to be Judges who in all places have an allowance or yearly Stipend out of thePublique towards maintaining Supporting and defraying the same, Be it Enacted by the Governour Councell and Representatives in Generall Assembly mett and Assembled and by the authority of the same that from & after the first day of November next Ensueing the Dates of those Presents Annually and every Yeare there shall be allowed & payed unto such persons as now are or shall be appointed Judges of this Province out of the publique revenue, Incombe or Treasury of the severall Countyes hereafter named already Raysed or be raysed by Vertue of an Act made this sessions of Assembly Entitled an Act for the Defraying of the Publique and Necessary Charge of each respective Citty Towne & County throughout this Province or by any other such Manner of Wayes or means as by the Consent and agreement of the Major part of the Inhabitants of each Respective County or Towne shall be thought ffitt & most convenient the summe of two hundred & two pounds tenn shillings to be levied and payed in manner and proportion ffollowing That is to say By the City and County of New Yorke Thirty ffive Pounds, By the County of Westchester ffiveteen pounds, By the County of Richmond ffiveteen pounds, By the County of Ulster twenty ffive pounds, By the County of Albany twenty seaven pounds tenn shillings, By Kings County twenty ffive pounds, By Queens County twenty ffive pounds, By the County of Suffolke thirty ffive pounds, And for the due and orderly payment of the said Severall summs amounting to two hundred and two pounds tenn shillings as aforesaid Be it ffurther Enacted by the Authority aforesaid That Annually and every Yeare the same shall be by the said Severall and Respective Countys payed unto the Treasurer of the Citty of New Yorke for the time being att New Yorke in Current silver money on or before ye thirty first Day of October without Abatement or Allowance for any Charge Trouble or Expense whatsoever And the said Treasurer is to Receive the Same and pay and deliver it to the said persons as now are or shall be appointed to be Judges of this Province when demanded without Charge and Allowance to no other person or persons whatsoever, And Be it ffurther Enacted by the authority aforesaid that if any of the said severall and Respective Countys shall refuse and neglect to make payement of the said severall summs and proportions by them to be payed as aforesaid att the time and place before mentioned and appointed that then for every day after the said day before mentioned and appointed for the payement thereof & untill the whole summe shall be fully payed and satisfyed such County or Countyes as are deffective therein

shall each and every of them fforfeit and pay for the uses of,the,said Judges the ffurther summe of two shill's & Six penc per Diem ffor such their default after the thirty first day of october This Act to Continue for the space of three yeares from the first day of November Nixt Ensueing the date of these presents being in the year of our Lord 1684 & No longer.

[CHAPTER 28.]

[Copied from the original in the office of the Secretary of State.]

A Bill for Altering the time of the Court of Sessions in the County of WestChester

[Passed, October 29, 1684.]

WHEREAS the Courts of Oyer and Terminer and Court of Sessions within the County of West Chester happen to be at one and the Same time which will be very inconvenient Be it Enacted by this Generall Assembly and by the Authority of the Same That the Court of Sessions appointed to be held and kept for the Said County on the first Tuesday in December shall from henceforth be kept and held on the third Tuesday in November Annually and every yeare any Law to the Contrary hereof in any wise notwithstanding.

[CHAPTER 29.]

[The original of this act is not in the office of the Secretary of State. This copy was made from the manuscript compilation of the "Dongan laws," formerly in the office of the Secretary of State, but now in the New York State Library. The date of its passage, as October 29, 1684, is given by E. B. O'Callaghan, in Hist. Int. to Journals of the Legislative Council of New York, p. 18.]

A BILL Concerning fformer Mortgages.

[Passed, October 29, 1684.]

WHEREAS It hath beene the Custome and practice of the ancient inhabitants of this province Comonly called Dutch, to use and Exercise the Methods of their owne nation, in Mortgages of Lands houses and Tenements which is not according to the usage and method of England, and the now Established Lawes of this province Bee it Enacted by the Governour and Councell and Representatives mett in Generall Assembly and by the authority of the same That all such Mortgages of Lands houses and Tenements duely and Legally obteined and made according to the former Customes of this province, before its

Restauration to his Maytie and Royall Highnesse shall be deemed and adjudged in any of the Courts of Equity and Courts of Record within this province as Effectuall in Law and Right as if according to the methods and practice of England or the Lawes now Established.
PROVIDED that all such mortgages shall be sued or renewed within Eighteen months after the Date of these premisses Any acts Custome or Usage to the Contrary notwithstanding.

[CHAPTER 30.]

[Copied from the original in the office of the Secretary of State.]

An Explanation of the Continued Bill for defraying the Requisite Charge of the Government;

[Passed, October 29, 1684.]

WHEREAS there may Arise Differences between His Royall Highness Collector and the merchants trafficquing to this Province by the uncertainty of the ffirst Cost mentioned in An Act Intituled a Continued Bill for the Defraying the Requisite Charges of the Governm't for the Removall thereof, And also for the better ascertaining and Establishing the Revenue, and poundage therein expressed, Be it Enacted by the Governor Councell and Representatives in generall Assembly mett, and by the Authority of the same that the Certain Duty of ten per Cent Established by the said Act upon merchandizes Commonly Called Indian goods that shall be valued after the manner hereafter specified, and not otherwise That is to say for all Indian goods Called Indian Duffells P yard two shillings and foure pence, Indian strouds, halfe a peice ffoure pounds, the Whole eight pounds, Indian Blanckitts P peece ffoure pounds, Indian plaines Cotton PYard one shilling and six pence, Indian halfe shickes P yard one shilling and Tenn pence Indian White Olembriggs the English Ells Eight pence, Indian Kittles the hundred weight six pounds, Indian Hatchetts the Dozen twelve shillings, Indian Hoes the Dozen twelve shillings, Read Lead the hundred weight twenty shillings vermillion the pound ffoure shillings, Cotten the Yard one Shilling and foure pence. Red Karsey the yard two shillings six pence Knives the Dozen three shillings, Indian shirts P dozen twenty shillings. shott P hundred fifteen shillings, and for all sorts Indian Habberdashery & Woolen Stockings Hereafter mentioned, That is to say Indian Drawing Knives, Indian Looking Glasses, Indian Wooden Combs, Indian Beads, Tobacco In Roll, Indian Belts, sissers, Juce Harpes, Indian Points, Drills, Tobacco pipes, Little

painted Boxes, Alls, Sword blades, Coper Tobacco Boxes, Tinsie Lace, Indian Gimpe lace, Neadles, Tobacco Tongs, Indian Powder Hornes, Indian Woolen Stockings Indian Heales, the said summe of tenn pounds P Cent to the value of prime Cost as is exprest in the said Act; And In Respect there could not be Convenient time sufficient for the accomplishing & Ascertaining Rates for other merchandises Imported into this Province this session of Assembly by Reason of the approaching winter And Also for the preventing of any ffraud that may be made to Diminish the said Revenue, Be it Enacted by the Authority aforesaid, that if any misunderstanding should arise between his Royall Highness Collector and Merchants or others Traffiquing and Importing any merchandises into this Province, about the value of prime Cost as Established in said Act It shall and may be Lawfull for the Descision of such misunderstanding or Difference to appoint two indifferent persons, who shall value said merchandises Imported According to the manner expressed in said Act att prime Cost att which value so estimated, The said merchant or Importer shall pay his duty, without further delay or molestation, And Also in the said Act Intituled a continued bill for the Defraying the necessary Charge, There Appears a great Uncertainty upon what sort of merchandises the Like duty of two P Cent shall be paid, For the further Clearing & explaining the Intent of this Assembly It is hereby declared That it was not the Meaning or Intent of this Assembly That any of the Goods or Merchandises hereafter specified should pay any Duty or Imposition That is to say Porke, Oyll, Tarr, Flax, Soap, Candles, Cheese, Butter, Beef, Fish, Whalebone, Hopps, Apples, Pears, Syder, Firewood, Planks, Boards, Peltry, Beavers, Sheeps wool, Onyons, Dressed Dearskins, Tallow Hydes, salt, Honey, Beeswax, Indian Corn, wheat, Barley Rye peesse, or any other sort of Graine, of the Growth or production of our Neighbouring Collonys vis't: Carolina, Virginia, Maryland, Pennsylvania, East and West Jersey, Conneticut, Rhode Island, plinnoch, Mathathusetts or from any other port or place upon the Mayne Called New England Imported to this Province.

[CHAPTER 31.]

[Copied from the original in the office of the Secretary of State.]

An Act for the confirming all Judgments and proceedings in the former Courts, taking away the Generall Court of Assizes.

[Passed, October 29, 1684.]

Bee itt Enacted, and itt is hereby enacted by the Governor Councell and Representatives now assembled and by the

Authority of the same; Thatt no verdicts, Judgments, Decrees, Sentences, Probates of Wills or Letters of Administracon Or any Writts, Actings, Orders, or other proceedings in Law or Equity, had, made, given, taken or done in any Court or Courts within this Province of New Yorke, before the beginning of this present Session of Assembly shall att any time hereafter upon any pretence colour, or cause whatsoever bee brought into question Examined altered or reversed by any other Court power, Jurisdiction or Authority whatsoever, nor any Execucon thereupon had, made, given, done or suffered, butt all such Verdicts, Judgments, decrees, Sentences, probates of Wills or Letters of Administracon, Writts, actings, orders proceedings and Execucons thereupon, are hereby ratifyed and confirmed and to remaine in full force and Vertue; Neither shall any Judge Justice of the Peace, Magistrate Minister, Sheriff & any officers of the Courts of Justice att any time or times hereafter be sued, troubled, questioned molested or brought to answer before any Court power Jurisdiction or Authority whatsoever for any matter Cause or thing by him them or either of them att any time before the beginning of this present Sessions of Assembly acted suffered Committed or done by Vertue and in pursuance of their severall and respective places offices and trusts, butt all the said Magistrates, Ministers, Sheriffs, & other Officers of Courts of Justice shall be and are hereby for ever absolutely and fully acquitted released endempnifyed and discharged therefrom: Provided always thatt all such Verdicts, Judgments and decrees have been where both partys have appeared and pleaded, or att least have been legally summoned to make their Answers.

And forasmuch as the Generall Court of Assizes, heretofore held annually in this Province is of great charge and Expence to the same, and by reason of the Great number of the members thereof nott so fitt & capable to heare and determine matters and causes of Civil nature, usually brought to the said Court; Bee itt enacted by the Authority of this Present Assembly; That the said Court called the Generall Court of Assizes and all Jurisdiction power and Authority belonging unto or used or exercised in the said Court or by any the Judges, Ministers or Members thereof, bee from the first day of November next ensuing clearly & absolutely dissolved taken away and determined & that from and after the said first day of November next ensuing, Neither Judge Justice Member or Minister of the said Court whattsoever shall have any power or Authority to heare Examine or determine any matter or thing whattsoever in the said court called the Generall Court of Assizes or to pronounce or deliver any Judgment, Sentence Order or decree or to do any Judiciall or Ministeriall act in the same Court: Provided always thatt all

actions suites or Complaints now depending in the said Court of Assises either by Bill, plaint, Declaracon, appeale, review, by Peticon to the Governor and Councell, or any other ways or means whattsoever, shall bee ended determined and finished by the High Court of Chancery.

SECOND GENERAL ASSEMBLY, HELD AT FORT JAMES IN THE CITY OF NEW YORK.

First Session, October 20, 1685.

THOMAS DONGAN, GOVERNOR.

CHAPTER 1.

[Copied from the original in the office of the Secretary of State.]

A Bill against Sabbath breaking.

[Passed, November 3, 1685.]

fforasmuch as there is nothing more acceptable to God than the true and Sincere service and Worshipp of him according to his holy will And that the holy keeping of the Lords day is a principall part of the true Service of God which in very many places of this province hath been and now is p'fained and neglected by unlawfull travelling or Journying upon the Day aforesaid by shooting horsehunting and horseracing rideing on steeds unnecessary hunting and tipling in Alehouses taverns & other publick houses and other unlawfull Exercises and pastimes alsoe Exercising wordly labour bussinesse or worke of Ordinary Callings Except works of necessity and Charity or other Extraordinary Occasions to be allowed by Some Justice of the peace On the Lords day Bee it Enacted by the Governour Councell and Rep'sentatives in Generall assembly mett and assembled and by the authority of the Same That whatsoever P'son or P'sons shall be Convicted of any the aforesaid Sabbath breakes before any one Justice of the peace or Constable in his absence of any towne by Vieu Confession or proofe of one or more Sufficient witnesses Every Such person soe offending shall for Eevery such Offence forfeit and pay the summe of Six shillings and Eight pence to the use of Such towne or place where Such offence shall be Committed And upon refussall or neglect of payment of the said six shillings & Eight Pence for Every Such Offence the Same to be levyed by a Warrant from any Justice of the peace of the place where such Offence shall be Comitted or the goods and Chattles of such Offender And for Want of such goods or Chattles the party offending to be Committed to the stocks by the Constable for the space of two houres for Every Such Offence Provided Alwayes

That noe person shall be prosecuted upon this Act unlesse within tenne dayes Space after the Offence Comitted.

[CHAPTER 2.]

[Copied from the original in the office of the Secretary of State.]

A Bill against swearing and Cursing

[Passed, November 3, 1685.]

fforasmuch as all prophane swearing and Cursing is forbidden by the Word of God Bee it therefore Enacted by this Generall Assembly and by the Authority thereof That if any person or persons shall at any time hereafter profanely Swear or Curse in the hearing of any Justice of the peace in the County or any Mayor or head Officers in any Citty towne or Village where such Offence shall be Comitted or shall be thereof Convicted by the oaths of two witnesses or by Confession of the party before Every such Justice of the peace or head Officer Every Such Offender being above the age of twelve yeares shall for Every time soe Offending forfeit and pay to the use of the poor of Such place where such Offence shall be Committed the Sume of One Shilling Currant money of this province or Equivalent thereunto And upon Refusall to pay the Same as aforesaid the Said sume shall be levyed by destresse and Sale of the Offenders goods by Vertue of a warrant from the Justice of the peace of Such place rendering to the Offender the Overplus And for want of Such destresse the Said Offender shall be Committed to the stocks for the space of three whole hours by Warrant as aforesaid ffurthermore Bee it Enacted by the authority aforesaid that any person offending against this Law by prophane Swearing or Curseing being under the age of twelve yeares and shall be Convicted as aforesaid and shall not forthwith pay the llke Sume of One shilling he or she by Warrant of Such Justice of the peace or head Officer shall Bee whipped by the Constable or by the parent or Master in the p'sence of the Constable Every Offender against this Law shall be Complained of and proved as aforesaid within twenty dayes after the Offence Committed.

[CHAPTER 3.]

[Copied from the original in the office of the Secretary of State.]

A Bill against Drunkennesse

[Passed, November 3, 1685.]

Whereas the Loathsome and Odious Sinne of Drunkennesse is growne into Comon use within this province being the root

and foundation of many other Enormous Sinnes as bloodshed stabbing murther swearing fornication Adultery and such like to the Great Dishonour of God and of this province Bee it therefore Enacted by the Governour Councell and Rep'sentatives in Generall Assembly mett and Assembled and by the Authority of the Same that all and Every person and persons who shall be drunke and of the same Offence of Drunkennesse shall be Lawfully Convicted shall for Every Such Offence forfeit and pay five shillings Cur't money of this province to be paid within One weeke & after his her or theirConviccon thereof to the hands of the Constable of that towne Citty or Village Where the Offence aforesaid shall be Committed for the use of the poore of Such Said place such Conviccon to be made by the Confession of the party or oath of one Credible Witnesse And if the said person or persons so Convicted shall refuse or neglect to pay the said forfeiture as aforesaid then the Same shall be from time to time levyed of the Goods of Every Such person or persons soe refusing or neglecting to pay the Same by Warrant from any one or more Justices of the peace of the Said Citty towne or Village before whom the said Conviccon shall be And if the Offender or Offenders shall not be able to pay the Said Sume of five shillings Then the Offender or Offenders for Every such Offence shall be Comitted to the stocks for the space of Six houres by the Constable of Such Citty towne or Village.

[CHAPTER 4.]

[Copied from the original in the office of the Secretary of State.]

A Bill for Regulating the proceedings of monethly Courts throughout the Province.

[Passed, November 4, 1685.]

WHEREAS it is found inconvenient and very prejudiciall to the inhabitants within this province. That their monthly Courts have not power nor can try any action or cause of action above the sume of forty Shillings Bee it thereof Enacted by the Governour and Councell and Representatives in Generall asembly conveened and the authority of the same That it shall be Lawfull for the said monthly Courts of the respective townes within this province, to try and finally determine all actions and cause of actions within the said respective townes, to the Sume of five pounds current mony of this province or equivalent thereunto and that they shall have the same power to heare and determine every Such action in the absence of the party Sumoned, As they are allowed in an act intituled (an

act to Settle Courts of Justice) for forty Shillings And that it shall and may be Lawfull for any person or persons to have a Jury upon the request if the issue be for above forty Shillings The which Jury shall bee paid by such persons, As shall happen to be Cast in said action.

AND bee it further Enacted by the authority aforesayd, That it Shall not bee Lawfull for any Courts or Courts of Justice within this province Superior to the said Monthly Courts To try any action or actions in any County within this province for the Sume of five pounds or under, Except in the citty of New Yorke and the Towne of Albany PROVIDED that it Shall be Lawfull for any one of the Com'rs of the Said monthly Courts to issue out his Warrant to arrest any person or persons who are not freeholders of their County for any Sume or Sumes of money under the Sume of five pounds And for want of a prison in any towne or townes That then It Shall be Lawfull to and for any the said Com'rs for want of baile To Commit such person to the Goale of the County PROVIDED that this bill Shall be in force for The Space of Seaven Yeares from the first day of the Session of this present Generall Assembly And no longer.

[CHAPTER 5.]

[Copied from the original in the office of the Secretary of State.]

A Bill for ye removall of the Courts of Sessions from Graves end unto Flatt Bush.

[Passed, November 7, 1685.]

Whereas by an Act of Assembly Intituled an Act to settle Courts of Justice it was ordayned and enacted that the courts of Sessions for Kings County Should be held and holden within ye Towne of Gravesend at or upon such severall dayes as are within ye sayd Act Thereto appoynted Forasmuch therefore that by experience it hath been found very inconvenient to the Inhabitants of Kings County to repayr every sessions to ye Towne of Gravesend ye sayd Towne lying and being situate on the very edg of sayd Kings County.

Be it Therefore Enacted by the Governor Councill and Representatives now mett and assembled in Generall Assembly and by the authority of the same That ye Aforesayd Courts of Sessions formerly Established at Gravesend shall from and after ye first day of December next ensuing ye date of this present Act be wholly removed from ye sayd Towne of Gravesend, unto ye Towne of Flatt Bush in ye aforesa'd County and the sayd Courts

of sessions then and there to be held upon ye same day or days as by a Clause in ye Act to settle Courts of Justice was appoynted for Gravesend; any thing in any former Act or Clause thereof to the Contrary, in any wise Notwithstanding.

[CHAPTER 6.]

[Copied from the original in the office of the Secretary of State.]

A bill Concerning Swine.

[Passed, November 19, 1685.]

Whereas there was an act made By the Last Generall Assembly Entituled an act to prevent damages done by Swine, Which by reason of the Strickness thereof It hath been found very prejudiciall and of ill consequence to the Inhabitants of this province And forasmuch as a Generall Law In this Kind May not be equally Convenient to all places Bee it Enacted by the Governor Councell and Representatives in Generall assembly mett and assembled And by the authority thereof That the said act heretofore made Concerning Swine And Every clause thereof Shall be from and after the first day of May next Ensueing Repealed and utterly void and of non effect And bee It further Enacted by the authority aforesaid That it Shall and may bee Lawfull for the inhabitants of any towne or townes Within this province By warrant under the hand and Seale of some one Justice of the peace of the County within which the said towne doeth lye To conveen and meet together soe often as occasion Shall requyre And to consult of and make such Lawes and Ordinances Concerning the Keeping and providing for Swine as to them Shall Seem meett and Convenient PROVIDED always That non of the said Lawes or Ordinances Bee Repugnant to the Laws of this province PROVIDED also that two of the Justices of the peace of ye said County Together with the Major part of the Inhabitants of the said Towne doe consent And that all bee duly Summoned to bee at the said towne meeting Where Such Lawes are made as aforesaid

COMMISSION OF GOVERNOR DONGAN, 1686.

[A portion of the commission relating to the enactment of laws is printed here and is copied from Doc. Rel. to Col. Hist., of N. Y., III, p. 377. The original is in London, in New York Entries, I, 85-107.]

James the Second by the grace of God king of England, Scotland, France and Ireland Defender of the ffaith &c To our trusty and welbeloved Thomas Dongan Esqr Greeting.

* * * * * * * * *

And wee doe hereby give and grant unto you full power and Authority, with the advice and consent of our said Council or the major part of them, to make, constitute and ordain Laws, Statutes and Ordinances for the publick peace, welfare & good Government of our said Province and of the people and inhabitants thereof and such others as shall resort thereto, and for the benefit of us, our heirs and successors.

Which said Laws, Statutes and Ordinances are to bee (as near as conveniently may bee) agreeable to the Laws and Statutes of this Our Kingdom of England.

Provided that all such Laws, Statutes and Ordinances of what nature or duration soever bee within three months or sooner after the making thereof transmitted unto us under our Seal of New York for our Allowance and approbation of them, as alsoe Duplicats thereof by the next conveyance.

And wee doe by these presents give and grant unto you full power and Authority by & with the advice and Consent of our said Council or the major part of them to Impose and Assess, raise and levy such rates and Taxes as you shall find necessary for the support of our Government of New York, to bee collected and levied and to bee employed to the uses aforesaid in such manner as to you and to our said Council or ye major part of them shall seem most equal and reasonable.

* * * * * * * * *

Great Seale, dated 10 June 1686 in
ye second year of the King.

INSTRUCTIONS TO GOVERNOR DONGAN, 1686.

[A portion of the instructions relating to the enactment of laws is printed here and is copied from Doc. Rel. to Col. Hist., of N. Y., III, p. 369. The original is in London, in New York Entries, I, 108.]

Instructions to our Trusty and welbelovd Thomas Dongan Esqr Our Captain General and Govr in cheif in and over our Province of New York and the Territorys depending thereon in America. Given at Our Court at Windsor this 29th day of May 1686 in ye second year of Our Reign.

With these our Instructions you will receive our Commission under Our Great Seal of England, constituting you our Captain General and Governer in Cheif of our Province of New York and the Territorys depending thereon in America.

1. Whereupon you are forthwith to call together the members of our Council for that our Province, by name Anthony Brokholes, Frederick Philips, Stephanus van Courtland, Lucas Santen, John Spragg, Jervas Baxter and John Young Esquires.

2. At which meeting after having published in usual manner Our said Letters Patents constituting you Our Captain General & Govr in Cheif of our said province & Territorys.

3. You shall take care yourself and alsoe administer to each of ye members of ye Council as well the Oath of Allegiance, as ye Oath for the due execution of their places and Trusts.

4. And you are to communicate unto said Council, from time to time, such & soe many of our Instructions as you shall find convenient for our service to bee imparted unto them.

5. And Our further will and pleasure is that the members of our Council shall & may have & enjoy freedom of Debate & Vote in all things to bee debated of in Council.

6. And altho, by our Comission aforesaid wee haue thought fit to direct that any Three of our Counselors make a Quorum; It is nevertheless Our will & pleasure that you doe not act with a Quorum of less than Five Members unless in case of necessity.

7. And that wee may bee always informed of the names of persons fit to supply ye vacancys of Our Council in New York.

8. You are to transmit unto us & to ye Lords of our privy Council appointed a Committee of Trade & fforeign Plantations, with all convenient speed, the names and characters of six persons Inhabitants of Our said Province and Territorys, whom you shall esteem the best qualified for that Trust. And soe from time to time when any of them shall dye, depart out of our said Colony or become otherwise unfit, You are to supply ye first number of six persons by nominating other to us in their stead.

9. And you are from time to time to send us & our Committee of Trade & Plantations ye names & qualitys of any members by you put into Our said Council by ye first conveniency after your soe doing.

10. And in the choice and nomination of the members of our Council as also of the Principal Officers, Judges, Assistants, Justices & Sherifs, you are always to take care that they bee men of estate and abilitys and not necessitous people or much in debt, & that they bee persons well affected to Our Government.

11. You are not to suspend ye members of Our Council without good and sufficient cause. And in case of suspension of any of them, you are forthwith to transmit unto us, & to our Committee for Trade & fforeign Plantations your reasons for soe doing, together with ye charges & proofs against the said persons, & their Answer thereunto.

12. And whereas wee have been presented with a Bill or Charter passed in ye late Assembly of New York, containing several ffranchises, privileges & Immunitys mentioned to be granted to the Inhabitants of our said province, You are to Declare Our Will & pleasure that ye said Bill or Charter of Franchises bee forthwith repealed & disallowed, as ye same is hereby Repealed, determined & made void. But you are nevertheless with our said Council to continue the Dutys & Impositions therein mentioned to bee raised untill you shall with the consent of the Council settle such Taxes and Impositions as shall be sufficient for ye support of our Government of New York.

13. And our further will and pleasure is that all other Laws, Statutes & Ordinances already made within Our said Province of New York shall continue & bee in full force & vigor, soe far forth as they doe not in any wise contradict impeach or derogate from this Commission or the Orders & Instructions herewith given you, till you shall, with the advice of our Council, pass other Laws in our Name for the good government of our said Province, which you are to doe with all convenient speed.

14. And you are to transmit authentick Copies under ye Publick Seal, of all Laws, Statutes & Ordinances which at any time shall bee made & Enacted within Our said province, unto Us & our Committee for Trade & fforeign Plantations, within three months or sooner after their being enacted, together with Duplicats thereof by the next conveyance upon Pain of our Highest displeasure & of ye forfeiture of that year's Salary wherein you shall at any time or upon any pretence whatsoever, omit to send over ye said Laws & Ordinances as aforesaid within ye time above limited.

15. And if any laws, Statutes & Ordinances made & Enacted by you & Our Council or our Governour & Council of New York for ye time being, shall at any time be disallowed & not approved and soe signified by us, Our Heirs or Successors under Our or their Signe Manuel or Signet or by Order of Our or their Privy Council unto you ye said Tho: Dongan or to our Governour or Commander in cheif of Our said Territorys for ye time being: Then Such & soe many of them as shall be so disallowed & not approved, shall from thence forth cease & become Void.

16. And you are to observe in the passing of Laws, that ye Stile of Enacting the same By the Governor & Council, bee henceforth used and noe other.

* * * * * * * * *

By His Majestys Command.

DONGAN CHARTER OF THE CITY OF NEW YORK, 1686.

[The Dongan Charter of the City of New York is in the office of the Comptroller of the City of New York, and this copy has been compared with the original. It is also recorded in the office of the Secretary of State in Vol. 5 of Patents at p. 381. The original charter is indorsed as follows:

Recorded in the Secretary's office for this province of New Yorke in lib. No. 1, booke of Pattents, begun 1684, from page 278 to 309.

J. Spragg, Sec'r.

May it please your Honor:

The Attorney Generall Hath perused this Pattent And finds nothing Contained therein prejudiciall to his Majesty's Interest. Examined, Aprile 27, 1686.

J. A. Graham.

New Yorke, Nov'r 5th, 1713.

Rec'd of Mr. Samuel Bayard, the city Treasurer, twenty seven Beavers skins in full for twenty seven years quit rent of ye within charter on ye 27th of April last as witness my hand.

I. Bycrley, Coll.

I Archibald Kennedy Esq. his Majestys Collector and Receiver general of the province of New York do hereby acknowledge to have received of Cornelius De Peyster Esq, Treasurer of the City of New York by order of the Mayor Aldermen and Commonality of the Corporation within mentioned sixteen beaver skins in full for sixteen years quit rent of the within Charter due and ending the twenty seventh day of April last past. Witness my hand this eleventh day of December, Anno. Dom. 1729. I say sixteen beaver skins for sixteen years quit rent.

Archibald Kennedy,
Receiver General.]

THOMAS DONGAN Leivt. Governour and Vice Admirall of New Yorke and its Dependencyes under his Majesty James the Second by the Grace of God of England, Scotland, ffrance & Ireland King Defendor of the faith Supream Lord and Proprietor of the Colony and Province of New Yorke, and its Dependencyes in America &c To all to whom this shall come SENDETH GREETING WHEREAS the Citty of New Yorke is an antient Citty within the said Province And the Cittizens of the said Citty have antiently been a Body Politique and Corporate and the Cittizens of the said Citty have held used and Enjoyed as well within the same as else where in the said Province Diverse and Sundry Rights Libertyes Privilidges ffranchises ffree Customes Preheminences Advantages Jurisdiccons Emoluments and Immunityes as well by prescripcon as by Charter Letters Pattents, Grants and Confirmacons not only of Divers Governours and Commanders in Cheife in the said Province butt alsoe of Severall Governours Directors Generalls and Commanders in Chiefe of the Neither Dutch Nation whilst the same was or has beene under their Power and Subjeccon AND WHEREAS Divers Lands Tennements and Heriditaments Jurisdiccons Libertyes Immunityes and Privilidges have heretofore been Given and Granted or menconed to be Given and Granted to the

Cittizens and Inhabitants of the said Citty sometimes by the name of Scout Burgomasters and Schepens of the Citty of New Amsterdam and sometimes by the Name of the Mayor Aldermen and Commonality of the Citty of New Yorke Sometimes by the name of the Mayor, Aldermen and Sheriffe of the Citty of New Yorke sometimes by the Name of the Mayor and Aldermen of the Citty of New Yorke and by Diverse Other Names as by their Severall Letters Pattents Charters Grants Writeings Records and Immunityes amongst other things may more fully Appeare AND WHEREAS the Cittizens and Inhabitants of the said Citty have erected Built and Appropriated at their owne Proper Costs and Charges several Publique Buildings Accomodations and Conveniences for the said Citty (that is to say) the Citty Hall or State House with the Ground thereunto belonging two Markett Houses the Bridge into the Dock the Wharfes or Dock with their Appurtenances and the New Buriall place without the Gate of the Citty and have Established and Settled one fferry from the said Citty of New Yorke to Long Island for the Accomodacon and Conveniency of Passengers the said Cittizens and travelers AND WHEREAS Severall the Inhabitants of the said Citty and of Manhatons Island Doe hold from and under his most Sacred Majesty Respectively as well by Severall and Respective Letters Pattents Grants Charters and Conveyances made & Granted by the late Leivtenants Governours or Commanders in Cheife of the said Province as otherwise severall and Respective Messuages, Lands Tenements and Heriditaments upon Manhatans Island and in the Citty of New Yorke aforesaid and that as well the said Mayor Aldermen and Commonalty of the said Citty and there Successors as also the Inhabitants of the said Manhatans Island and Citty of New Yorke aforesaid and there Heires and Assignes respectively may hold Exercise and Enjoye not only such and the same Libertyes Privilidges, ffranchizes, Rights, Royaltyes, ffree Customes, Jurisdiccons and Immunityes as they have Antiently had used held and Enjoyed butt alsoe such Publique Buildings Accomodacons, Conveniencyes Messuages, Tennements, Lands and Heriditaments in the said Citty of New Yorke and upon Manhatans Island aforesaid, which as aforesaid have been by the Cittizens and Inhabitants Erected and Built or which have as aforesaid been held Enjoyed Granted and Conveyed unto them or any of them respectively KNOW YEE therefore that I the said Thomas Dongan by Virtue of the Comicon and Authority unto me Given and Power in me Resideing at the humble Peticon of the now Mayor Aldermen and Commonalty of the said Citty of New Yorke and for Diverse other Good Causes and Consideracons

me thereunto moveing have Given Granted Rattified and Confirmed and by these Presents for and on the behalfe of his most Sacred Majesty aforesaid his Heires Successors and Assignes Doe Give Grant Rattify and Confirme unto the said Mayor Aldermen and Commonalty of the said Citty all and every such and the same Libertyes Privilidges and ffranchizes Rights Royaltyes, ffree Customes Jurisdiccons and Immunityes which they by the Name of the Mayor Aldermen and Commonalty or otherwise have Antiently had held used or Enjoyed PROVIDED Alwayes that none of the said Libertyes Privilidges ffranchizes Rights ffree Customes Jurisdiccons or Immunityes be inconsistant with or Repugnant to the Laws of his Majestyes Kingdome of England or any other the Laws of the Generall Assembly of this Province and the aforesaid Publique Buildings Accommodacons and Conveniencyes in the said Citty (that is to say) the aforesaid Citty Hall or State House with the Ground thereunto belonging two Markett Houses the Bridge into the Dock the wharfes or Dock the said New Buriall Place and the aforemenconed fferry with their and every of their Rights Members and Appurtenances together with all the Proffitts Beneffitts and Advantages which shall and may Accrue and Arrise att all times hereafter for Dockage or Wharfage within the said Dock with all and Singular the Rents Issues Proffitts Gaines and Advantages which shall or may Arrise Grow or Accrue by the said Citty Hall or State House & Ground thereunto belonging markett Houses Bridge Dock Burying Place fferry and other the above menconed Premissess or any of them and also all and every the Streets Lanes Highwayes & Alleys within the said Citty of New Yorke and Manhatans Island aforesaid for the Publique use and Service of the said Mayor Aldermen and Comonalty of the said Citty and of the Inhabitants of Manhatans Island aforesaid and travellers there togather with full Power Lycence and Authority to the said Mayor Aldermen and Comonalty and their Successors forever to Establish Appoint order and Direct the Establishing makeing Laying out Ordering Amending & Repaireing of all Streets Lanes Allyes Highwayes Water Courses fferry and Bridges in and through out the said Citty of New Yorke and Manhatans Island aforesaid Necessary Needfull and Convenient for the Inhabitants of the said Citty and Manhatans Island aforesaid and for all Travellers and Passengers there PROVIDED alwayes that this said Lycence soe as above Granted for the Establisheing makeing and Layeing out of Streets Lanes Alleys Highwayes fferry and Bridges be not Extended or be Construed to extend to the takeing Away of any Person or

Persons Right or Property without his her or their Consent or by some knowne Law of the said Province AND for the Consideracons aforesaid I Doe Likewise Give Grant Rattifie and Confirme unto all and Every the Respective Inhabitants of the said Citty of New Yorke and of Manhatans Island aforesaid and their Severall and Respective Heires and Assignes all and every the Severall & Respective Messuages Tennements Lands and Hereditaments Scituate Lyeing and being in the said Citty and Manhatans Island aforesaid to them Severally & Respectively Granted Conveyed and Confirmed by any the late Governours Leiutenants or Commanders in cheife of the said Province or by any of the former Mayors or Deputy Mayors and Aldermen of the said Citty of N: York by Deed Grant Conveyance or otherwise howsoever to hold to their Severall and Respective Heires and Assignes forever. AND I Doe by these p'sents Give and Grant unto the said Mayor Aldermen and Comonalty of the said Citty of New Yorke all the wast Vacant unpattented and Unappropriated Lands Lyeing and being within the said Citty of New Yorke and on Manhatans Island aforesaid Extending and Reaching to the Low Water marke in by and through all Parts of the said Citty of New Yorke and Manhatans Island aforesaid togather with all Rivers Rivoletts Coves Creekes Ponds Waters and Water Courses in the said Citty and Island or either of them not heretofore Given or Granted by any of the former Govern's Leivetenants or Commanders in Cheife under their or some of their Hands and Seales or Seale of the Province or by any of the former Mayors or Deputye Mayors and Aldermen of the said Citty of New Yorke to some Respective Person or Persons late Inhabitants of the said Citty of New Yorke or Manhatans Islands or of other Partes of the said Province AND I Doe by these p'sents Give Grant and Confirme unto the said Mayor Aldermen and Comonalty of the said Citty of New Yorke and their Successors forever the Royaltyes of Fishing Fowleing, Hunting, Hawkeing Mineralls and other Royalties and Privilidges belonging or Appurtaineing to the Citty of New Yorke and Manhatans Island aforesaid (Gold and Silver Mines only excepted) TO have hold and Enjoye all and Singular the Premissess to the said Mayor Aldermen and Commonalty of the said Citty of New Yorke and their Successors for ever RENDRING and Paying therefore unto his Most Sacred Majesty his Heires Successors and Assignes or to such Officer or Officers as shall be Appointed to Receive the Same Yearly forever hereafter the Annuall Quitt Rent or Acknowledgment of one Bever skin or the Value thereof in Currant Mony of this Province in the

said Citty of New Yorke on the five and twentith day of March Yearly forever AND Moreover I will and by these Presents Doe Grant Appoint & Declare that the said Citty of New Yorke and the Compasse Precincts and Limittes thereof and the Jurisdiccon of the same shall from henceforth extend and Reach it selfe and may and shall be able to Reach forth and Extend it selfe as well in Length and in Breadth as in Circuite to the furthest extent of and in and throughout all the said Island Manhatans and in and upon all the Rivers Rivoletts Coves Creeks Waters and Water Courses belonging to the same Island as far as Low Water marke AND I Doe also for and on the behalfe of his most Sacred Majesty aforesaid his Heires and Successors firmly enjoyne and Command that the aforesaid Mayor Aldermen and Comonalty of the Citty aforesaid and their Successors shall and may freely and Quietly have hold use and Enjoy the aforesaid Libertyes Authorityes Jurisdiccons ffranchises Rights Royaltyes Privilidges Exempcons Lands Tenements Heriditaments and Premissess aforesaid in manner and forme aforesaid According to the Tenour and effect of the aforesaid Grants Pattents Customes and Letters Pattents of Grant and Confirmacon without the Let Hindrance or Impedimt of me or any of my Successors Governours Leivts or other Officers whatsoever AND also I Doe for and on the behalfe of his most Sacred Majesty aforesaid his Heires and Successors Grant to the Mayor Aldermen and Comonalty of the said Citty of New Yorke and their Successors by these presents that for the better Governmt of the said Citty Libertyes and Precincts thereof their shall be forever hereafter within the said Citty a Mayor and Recorder Towne Clerke and six Aldermen and six Assistants to be Appointed Nominated Elected Chosen and Sworne as hereinafter is particularly and Respectively menconed who shall be forever hereafter Called the Mayor Aldermen and Commonaltye of the City of New Yorke and that their shall be forever one Chamberlaine or Treasurer one Sherriffe one Coroner one Clerke of the Markett one High Constable seven Sub constables and one Marshall or Serjant at Mace to be Appointed Chosen and Sworne in manner hereinafter menconed AND I Doe by these Presents for and on the behalfe of his Most Sacred Majesty aforesaid his Heires Successors and Assignes Declare Constitute Grant and Appointe that the Mayor Recorder Aldermen and Assistants of the said Citty of New Yorke for the time being and they which hereafter shall be the Mayor Recorder and Aldermen and Assistants of the said Citty of New Yorke for the time being and their Successors forever hereafter be and shall bee by force of these

Presents one Body Corporate and Politique in Deed fact and name by the Name of the Mayor Aldermen and Commonalty of the Citty of New Yorke And them by the Name of the Mayor Aldermen And Comonaltye of the Citty of New Yorke one Body Corporate & Pollitique in Deed fact and name I Doe Really and fully Create Ordaine make Constitute and Confirme by these Presents And that by the name of the Mayor Aldermen and Comonalty of the Citty of New Yorke they may have Perpetuall Succession and that they and their Successors forever by the name of the Mayor Aldermen and Comonaltye of the Citty of New Yorke be and shall be forever hereafter Persons able and in Law Capable to have Gett Receive and Possesse Lands Tennements Rents Libertyes Jurisdiccons ffranchises and Hereditaments to them and their Successors in fee simple of for terme of life lives or yeares or otherwise and also Goods & Chattles and also other things of what Nature kind or Quality soever and also to Give Grant Lett sett and assigne the same Lands Tenements Heridataments Goods and Chattles and to Doe and Execute all other things about the same by the Name aforesaid And also that they be & forever shall bee hereafter Persons Able in Law Capable to Plead and be impleaded answer & bee answered unto Defend and be Defended in all or any the Courts of his said Majestye & other Places whatsoever and before any Judges Justices and other Person or Persons whatsoever in all and all manner of Accons Suites Complaints Demands Pleas Causes and matters whatsoever of what Nature kind or Quality soever in the same and in the Like Manner and forme as other People of the said Province being Persons able and in Law Capable may Plead and be impleaded answer and be answered unto Defend and be Defended by any Lawfull wayes and meanes whatsoever AND that the said Mayor Aldermen and Comonalty of the said Citty of New Yorke and their Successo's shall and may for ever hereafter have one Comon Seale to Serve for the Sealing of all and Singular their Affaires and Buisnesses touching or Concerning the said Corporacon AND it shall and may be Lawfull to and for the said Mayor Aldermen and Comonaltye of the said Citty of New Yorke and their Successors as they shall see Cause to breake Change Alter and new make their said Comon Seale when and as often as to them it shall seem Convenient AND further KNOW YEE that I have Assigned Named Ordained and Constituted and by these Presents Doe Assigne Name Ordaine and Constitute Nicholas Bayard now Mayor of the said Citty of New Yorke to be Present Mayor of the said Citty and that the said Nicholas Bayard shall Remaine and Continue in the Office of Mayor theire untill another fitt Person shall be Appointed and Sworne in the said Office According to

the usage and Custome of the said Citty and as in and by these Presents is hereafter menconed and Directed AND I have Assigned Named Ordeined and Constituted and by these Presents Doe Assigne Name Ordaine and Constitute Create and Declare James Graham Esqr to be the Present Recorder of the said Citty to Doe and Execute all things which unto the Office of Recorder of the said Citty doth or may any wayes Appertaine or belong AND I have Assigned Named Ordained and Constituted and by these Presents Doe Assigne Name Ordaine Constitute Create & Declare John West Esqr Towne Clerke of the said Citty to Doe and Execute all things which unto the Office of a Towne Clerke may any wayes Appertaine or belong AND I have Named Assigned Constituted and made and by these Presents Doe Assigne name Constitute and make Andrew Bowne, John Robinson William Beakeman John Delavall, Abraham Depeister and Johannes Kipp, Cittizens and Inhabitants of the said Citty of New Yorke to be the present Aldermen of the said Citty AND also I have Made Assigned named and Constituted and by these Presents Doe Assigne Name Constitute and make Nicholas Demeyer, Johannes VanBrugh John DeBruyne, Teunisse Decay, Abraham Corbett, and Wolfert Webber Cittizens & Inhabitants of the said Citty to be the Present Assistants of the said Citty AND also I have Assigned Chosen Named and Constituted and by these Presents Doe Assigne Choose name and Constitute Peter Delancy Cittizen and Inhabitant of the said Citty to be the Present Chamberlaine or Treasurer of the said Citty afors'd AND I have Assigned Named Constituted and Appointed and by these Presents Doe Assigne Name Constitute and Appoint Jatu Knight Esqr one other of the said Cittizens there to be present Sherriffe of the said Citty AND I have Assigned Named Constituted and Appointed and by these Presents Doe Assigne Name Constitute and Appoint Jarvis Marshall one other of the said Cittizens there to be the Present Marshall of the said Citty AND I Doe by these Presents Grant to the said Mayor Aldermen and Comonalty of the said Citty of New Yorke and their Successors that the Mayor Recorder Aldermen and Assistants of the said Citty for the time being or the Mayor Recorder and any three or more of the Aldermen and any three or more of the Assistants for the time being be and shall be Called the Comon Councell of the said Citty And that they or the Greater Parte of them shall or may have full Power and Authority by Virtue of these Presents from time to time to Call and hold Comon Councell within the Comon Councell House or Citty Hall of the said Citty And their as occasion

shall be to make Laws Orders Ordinances and Constitutions in Writeing and to add Alter Diminish or Reforme them from time to time as to them shall seem Necessary and Convenient (not Repugnant to the Perrogative of his most Sacred Majesty aforesaid his Heires & Successors or to any the Laws of the Kingdome of England or other the Laws of the Generall Assembly of the Province of New Yorke for the Good Rule Oversight Correction and Govermt of the said Citty and Libertyes of the same & of all the Officers thereof, And for the Severall Tradsmen Victuallers Artificers and of all other the People and Inhabitants of the said Citty Libertyes and Precincts aforesaid and for the better Preservacon of Govermt and Disposall of all the Lands Tennements and Hereditaments Goods and Chattles of the said Corporacon which Laws Orders Ordinances and Constitutions shall be Binding to all the Inhabitants of the said Citty Libertyes and Precincts aforesd and which Laws Orders Ordinances and Constitutions soe by them made as aforesaid shall be and Remaine in force for the space of three Months and noe longer Unlesse they shall be Allowed of and Confirmed by the Governor and Councell for the time being AND I doe further on the behalfe of his Sacred Majesty aforesaid his Heires and Successors Appoint & Grant that the said Comon Councell of the said Citty for the time being as often as they make Ordaine and Establish such Laws Orders Ordinances and Constitucons as aforesaid shall or may make Ordaine Limitte Provide sett impose and Tax Reason able fines and Amerciaments Against and upon all Persons Offending Against such Laws Orders Ordinances and Constituccons as aforesaid or any of them to be made Ordeined and Established as aforesaid and the same fines and Amerciaments shall and may require Demand Levy take and Receive by Warrants under the Comon Seale to and for the use and behoofe of the Mayor Aldermen and Commonalty of the said Citty and their Successors either by Distresse and Sale of the Goods and Chattles of the Offender therein if such Goods and Chattles may be found within the said Citty Libertyes and Precincts thereof Rendring to such Offendor and Offenders the overplus or by any other Lawfull wayes or meanes whatsoever AND I Doe by these Presents appoint and Ordeine the Assigneing Nameing and Appointment of the Mayor and Sherriffe of the said Citty that it shall bee as followeth (vizt) upon the feast day of St. Michael the Archangell Yearly the Leivetenant Governour or Commander in Chiefe for the time being by and with the Advice of his Councell shall Nominate and Appointe such Person as he shall thinke fitte to be Mayor of the said Citty for the Yeare next ensueing and one other Person of

Sufficient Ability in Estate and of Good Capacity in Understanding to be Sherriffe of the said Citty of New Yorke for the Yeare next Ensueing AND that such Person as shall be Named Assigned and Appointed Mayor and such Person as shall be Named Assigned and Appointed Sherriffe of the said Citty as aforesaid shall on the fouertenth Day of October then next following take their Severall and Respective Corporall Oaths before the Governour and Councell for the time being for the Due execucon of their Respective Offices as aforesaid and that the said Mayor and Sherriffe soe to be Nominated Assigned & Appointed as aforesaid shall Remaine and Continue in their said Respective Offices untill another fitt Person shall be Nominated Appointed and Sworne in the Place of Mayor and one other Person Shall be Nominated and Appointed in the Place of Sherriffe of the said Citty in Manner aforesaid AND further that According to the now Usage and Custome of the said Citty the Recorder Towne Clerke and Clerke of the Markett of ye. s'd City shal be psons of Good Capacity & Understanding & such psons as his most Sacred Maty aforesaid His Heires & Successors shall in ye. Sd. Respective Offices of Recorder Towne Clerk & Clerk of ye Markett Appoint and Commissionate and for Defect of such appointment and Commissionateing by his most Sacred Majesty aforesaid his Heires and Successors to be such Person as the Leivt. Governour or Commander in Cheife of the said Province for the time being shall appointe and Commissionate which Persons soe Commissionated to the said Offices of Recorder Towne Clerke and Clerke of the Markett shall have hold and enjoye the said Offices According to the Tenour and effect of their said Commissions and not otherwise AND further that the Recorder Towne Clerk Clerke of the Markett Aldermen Assistants, Chamberlain High Constable Petty Constables and all other Officers of the said Citty before they or any of them shall be admitted to enter upon and execute their Respective Office shall be Sworne faithfully to execute the Same before the Mayor or any three or more of the Aldermen for the time being AND I Doe by these Presents for and on the behalfe of his Most Sacred Majesty his Heires and Successors Grant and Give Power and Authority to the Mayor and Recorder of the said Citty for the time being to Administer the same respective Oaths to them Accordingly AND further I doe by these Presents Grant for and on the behalfe of his most Sacred Majesty aforesaid his Heires and Successors that the Mayor and Recorder of the said Citty for the time being and three or more of the Aldermen of the said Citty not exceeding five shall be Justices and keepers of the Peace of his most Sacred Majesty his Heires

and Successors and Justices to heare & Determine Matters and Causes within the said Citty and Libertyes and Precincts thereof AND that they or any three or more of them whereof the Mayor & Recorder or one of them for the time being to be there shall and may forever hereafter have Power and Authority by Virtue of these Presents to hear and Determine all and all manner of Petty Larcenyes Riots Routs Oppressions Extorcons and other trespasses and Offences whatsoever within the said Citty of New Yorke and the Libertyes & Precincts aforesaid from time to time Arriseing and Happening and which Arrise or happen and any wayes belong to the Office of Justice of the Peace and the Correccon and Punishment of the Offences aforesaid and every of them according to the Laws of England and the Laws of the said Province and to Doe and Execute all other things in the said Citty Libertyes and Precincts aforesaid soe fully and in Ample Manner as to the Comiconers Assign and to be Assigned for the keeping of the Peace in the said County of New Yorke doth or may belong AND moreover I Doe by these Presents for and on the behalfe of his Most Sacred Majesty aforesaid his Heires and Successors Appoint that the Aldermen Assistants High Constable and Petty Constables within the said Citty be Yearly Chosen on the feast Day of St. Michael the Archangell for ever (vizt) one Alderman one Assistant and one Constable for each Respective ward and one Constable for each Division in the out Ward in such Publique Place in the said Respective Wards as the Aldermen for the time being for each Ward shall Direct and Appoint and that the Aldermen Assistants and Petty Constables be Chosen by Majority of Voices of the Inhabitants of each ward and that the High Constable be Appointed by the Mayor of the said Citty for the time being AND that the Chamberlaine shall be Yearly Chosen on the said ffeast Day in the Citty Hall of the said Citty by the Mayor and Aldermen and Assistants or by the Mayor or three or more of the Aldermen and three or more of the Assistants of the said Citty for the time being AND I doe by these Presents Constitute and Appoint the said John West to be the Present Towne Clerke, Clerke of the Peace and Clerke of the Court of Pleas to bee holden before the Mayor Recorder and Aldermen within the said Citty and the Libertyes and Precincts thereof AND further I Doe by these Presents for and on the behalfe of his most Sacred Majesty aforesaid his Heires and Successo's require and Strictly Charge and Comand that the Sherriffe Towne Clerke Clerke of the Peace High Constable Petty Constables and all other Subordinate Officers in the said Citty for the time being and every of them Respectively

jointly and Severally as Cause shall require shall attend upon the said Mayor Recorder and Aldermen of the said Citty for the time being and every or any of them According to the Duty of their Respective Places in and about the Executeing of such the Comands, Precepts Warrants and Processe of them and every of them as belongeth and Appertaineth to be done or Executed AND that the aforesaid Mayor Recorder and Aldermen and every of them as Justices of the Peace for the time being by their or any of their Warrants all and every Person and Persons for high Treason or Petty Treason or for Suspicion thereof or for other fellonyes whatsoever and all Malefactors and Disturbers of the Peace and others Offenders for other Misdemeanors who shall be Apprehended within the said Citty or Libertyes thereof shall and may send and Comitt or Cause to be Sent and Committed to the Comon Goale of the said Citty there to Remaine & be kept in safe Custody by the keeper of the said Goale or his Deputy for the time being untill such Offender and Offenders shall Lawfully delivered thence AND I Doe by these Presents for and on the behalfe of his most Sacred Majesty aforesaid his Heires and Successors Charge and require the keeper and keepers of the said Goale for the time being and his and their Deputy and Deputyes to Receive take and in Safe Custody to keepe all and Singular such Person and Persons soe Apprehended or to be Apprehended sent & Committed to the said Goale by Warrant of the said Justices or any of them as aforesaid untill he and they soe Sent and Comitted to the said Goale shall from thence be Delivered by Due Course of Law AND further I Doe Grant and Confirme for and on the behalfe of his most Sacred Majesty aforesaid his Heires and Successors that the said Mayor of the said Citty for the time being and noe other (according to the usage and Custome Practised in the said Citty of New Yorke in the times of my Predecessors the Severall Leivtenants Governours and Commanders in Cheife of this Province shall have Power and Authority to give and Grant Lycences Annually under the Publique Seale of the said Citty to all Tavern keepers Inkeepers Ordinary keepers Victuallers and all Publique Sellers of Wine Strong waters Sider Beer or any other Sort of Liquors by Retaile within the Citty aforesaid Manhatan Island or the Libertyes and Precincts thereof AND that it shall and may be Lawfull to and for the said Mayor of the said Citty for the time being to aske Demand and Receive for such Lycence by him to be Given and Granted as afores'd such Sume or Sumes of Mony as he and the Person to whom such Lycence shall be Given or Granted shall agree for not exceeding the Sume of thirty Shillings for each Lycence ALL which Mony

as by the said Mayor shall be Soe Received shall be used and Applyed to the Publique use of the said Mayor Aldermen and Commonalty of the said Citty of New Yorke and their Successors without any Account thereof to be Rendred made or Done to any of the Leivtenants or Governours of this Province for the time being or any of their Deputyes AND know yee that I for the better Government of the said Citty and for the wellfare of the said Cittizens Tradesmen and Inhabitants thereof Doe by these Presents for and on the behalfe of his most Sacred Majesty his Heires and Successors Give and Grant to the said Mayor Aldermen and Comonalty of the said Citty and their Successors that the Mayor Recorder and Aldermen or the Mayor and any three or more of the Aldermen for the time being shall from time to time and att all times hereafter have full Power and Authority under the Comon Seale to make ffree Cittizens of the said Citty and Libertyes thereof and noe Person or Persons whatsoever other then such ffree Cittizens shall hereafter use any art trade Mistory or Mannuall Occupacon within the said Citty Libertyes and Precincts thereof Saveing in the times of faires there to be kept and Dureing the Continuance of such faires only AND in case any Person or Persons whatsoever not being ffree Cittizens of the said Citty as aforesaid shall att any time hereafter use or Exercise any Art Trade Mistory or Mannuall occupacon or shall by himselfe themselves or others sell or expose to sale any Manner of Merchandize or Wares whatsoever by Retaile in any House Shopp or Place or Standing within the said Citty or the Libertyes or Precincts thereof noe fair being then kept in the said Citty and shall presist therein after warning to him or them Given or left by the Appointmt of the Mayor of the said Citty for the time being at the Place or Places where such Persons or Persons shall soe use or Exercise any Art Trade Mistory or Mannuall occupacon or shall Sell or expose to Sale any Wares or Marchandizes as aforesaid by Retaile then it shall be Lawfull for the Mayor of the said Citty for the time being to Cause such Shopp Windows to be Shutt up and also to impose such Reasonable fine for such Offence not Exceeding five Pounds for every Respective Offence and the same fine and fines so imposed to Levy and take by Warrant under the Comon Seale of the said Citty for the time being by Distresse and Sale of the Goods and Chattles of the Person or Persons soe Offending in the Premissess found within the Libertyes or Precincts of the said Citty Rendring to the Party or Partyes the overplus or by any other Lawfull wayes or meanes whatsoever to the only use of the said Mayor Aldermen and Comonalty of the said Citty of New Yorke and their

Successors without any Account to be Rendred made or Done to the Leivtenants Governours or Command's in Cheife of this Province for the same PROVIDED that noe Person or Persons shall be made free as aforesaid butt such as are his Majestys Naturall Borne Subjects or such as shall first be Naturalized by Act of Generall Assembly or shall have obtained Letters of Denization under the hand of the Leivtenant Governour or Commander in Cheife for the time being and Seale of the Province AND that all Persons to be made free as aforesaid shall and Doe pay for the Publique use of the said Mayor Aldermen and Comonalty of the sd Citty such Sume & Sumes of Mony as heretofore hath been used and Accustomed to be paid and Received on their being Admitted ffreemen as aforesaid Provided it is not Exceeding the sume of five Pounds AND further I Doe by these Presents for and on the behalfe of his most Sacred Majesty aforesaid his Heires and Successors Grant to the Mayor Aldermen and Comonalty of the said Citty that they and their Successors be forever Persons able and Capable and shall have Power to purchase have take and Possesse in ffee Simple Lands Tennemts Rents and other Possessions wthin or without the same Citty to them and their Successors for ever soe as the same Exceed not the Yearely vallue of one thousand Pounds per annum the Statute of Mortmaine or any other Law to the Contrary Notwithstanding and the same Lands Tennements Hereditaments and Premissess or any Parte thereof to Demise Grant Lease Settover Assigne and Dispose at their owne Will and Pleasure and to make Seale and Accomplish any Deed or Deeds Lease or Leases Evidences or Writeings for or Concerning the same or any Parte thereof which shall happen to be made and Granted by the said Mayor Aldermen & Comonalty of the said Citty for the time being AND further I doe by these Presents for and on the behalfe of his most Sacred Majesty aforesaid his Heires and Successors Grant to the said Mayor Aldermen and Comonalty that they and their Successors shall and may forever hereafter hold and keep wthin the said Citty in every weeke of the yeare three Markett Days the one upon Tuesday the other upon Thursday and the other on Saturday Weekly forever AND alsoe I Doe by these Presents for and on the behalfe of his most Sacred Majesty aforesaid his Heires & Successors Grant to the Mayor Aldermen and Comonalty of the said Citty that they and their Successors and Assignes shall and may att any time or times hereafter when it to them shall seem fitt & Convenient take in fill and make up and Lay out all and Singular the Land and Ground in and about the said

Citty and Island Manhatans and the same to Build upon or make use of in any other manner or way as to them shall seem ittt as farr into the Rivers thereof and that Encompasse the same as Low Water marke aforesaid AND I Doe by these Presents for and on the behalfe of his most Sacred Majesty aforesaid his Heires & Successors Give and Grant unto the aforesd & Mayor Aldermen and Comonalty of the said Citty of New Yorke and their Successors that they and their Successors shall and may have hold & keep within the said Citty and Libertyes and Precincts thereof in every weeke in every Yeare for ever upon Tuesday one Court of Common Pleas for all Accons of Debt Tresspasse Tresspasse upon the Case Detinue Ejectments and other Personall Accons and the same to be held before the Mayor Recorder and Aldermen or any three of them whereof the Mayor or Recorder to be one who shall have Power to hear and Determine the same Pleas and Accons According to the Rules of the Comon Law Acts of Generall Assembly of the said Province AND I Doe by these Presents for and on the behalfe of his most Sacred Majesty aforesaid his Heires and Successors Grant to the said Mayor Aldermen and Comonalty of the said Citty of New Yorke and their Successors that the said Mayor Aldermen and Comonalty of the said Citty and their Successors shall have & Enjoye all the Privilidges ffranchizes and Powers that they have and use or that any of their Predecessors at any time within the space of twenty Yeares last past had tooke or enjoyed or ought to have had by Reason or under pretence of any former Charter Grant Prescription or any other Right Custome or usage although the same have been forfeit or Lost or have been ill used or not used or Abused or Discontinued Albeit they be not Perticularly menconed and that noe Officer shall Disturb them therein under any Pretence whatsoever not only for their future but their Present Enjoyment thereof PROVIDED alwayes that the said Privilidges ffranchises and Powers be not inconsistant with or Repugnant to the Laws of his Matis Kingdom of England or other the Laws of the Generall Assembly of this Province as aforesaid and Saveing to his most Sacred Majesty aforesaid his Heires Successors and Assignes and the Leivts Governours and Commanders in Cheife and other officers under him and them in ffortt JAMES in or by the Citty of New Yorke and in all the Libertyes Boundaryes Extents Privilidges thereof for the Maintenance of the said ffortt and Garrison there all the Right use title and Authority which they or any of them have had used or Exercised there and also one Messuage or tennemt next the Citty Hall and one Messuage

by the ffortt now in the Possession of Thomas Coker Gent the Peice of Ground by the Gate Called the Governo's Garden and the Land without the Gate Called the Kings ffarme with the Swamp next to the same Land by the ffresh water and Saveing the Severall Rents and Quitt Rents Reserved Due and Payable from Severall Persons inhabiting within the said Citty and Island Manhatans by Virtue of former Grants to them made and Given and Saveing to all other Persons Bodyes Pollitique and Corporate their Heires Successo's and Assignes all such Right Title and Claime Possessions Rents Services Comons Emoluments Interest in and to any thing which is theires (save only the ffranchizes aforesaid) in as ample manner as if this Charter had not been made AND further I Doe Appoint and Declare that the Incorporacon to be founded by this Charter shall not att any time hereafter Doe or Suffer to be Done any thing by means whereof the Lands Tennements or Hereditaments Stock Goods or Chattles thereof or in the Hands Custody Possession of any the Cittizens of the said Citty such as have been Sett lett Given Granted or Collected to and for Pious and Charitable uses shall be wasted or Misemployed Contrary to the trust or intent of the founder or Giver thereof and that such and noe other Construction shall be made thereof then that which may tend most to Advantage Religion Justice and the Publique Good and to Suppresse all Acts and Contrivances to be invented or Putt in use Contrary thereunto IN WITNESSE whereof I have Caused these Presents to be Entred in the Secretarys Office and the Seale of the said Province to be hereunto Affixed this Seaven & twentyth Day of Aprill in the Second yeare of the Reigne of his most Sacred Majesty aforesaid and in the Yeare of our Lord God one thousand six hundred and Eighty Six

Thomas Dongan.

DONGAN CHARTER OF THE CITY OF ALBANY, 1686.

[Copied from the record thereof in Vol. 5 of Patents, in the office of the Secretary of State.]

THOMAS DONGAN Lievt. and Governour of the Province of New Yorke and Dependencyes in America under his most Sacred Majesty JAMES the Second by the Grace of God of England, Scottland, ffrance and Ireland King Defender of the faith &c and Supream Lord and Proprietor of the said Province of New York and its Dependencyes TO all Persons to whom these Presents shall or may come or in any wise Concerne SENDETH GREETING WHERAS the Towne of Albany is an Antient Towne within

the said Province and the Inhabitants of the said Towne have held used and enjoyed as well within the same as else where within the said Province Diverse and Sundry Rights Libertyes Privilidges, ffranchizes, ffree Customes, Preheminencyes Advantages Jurisdiccons Emoluments and Immunityes as well by prescription as by Grants Confirmacons and Proclamacons not only by Diverse Governours and Commanders in Cheife in the said Province under his said Majesty but also of Severall Governours Generalls and Commanders in Cheife of the neither Dutch Nation whilst the same was or has been under their Power and Subjeccon AND whereas Divers Lands Tenements and Hereditaments Jurisdiccons Libertyes Immunityes and Privilidges have heretofore been Given and Granted to the Inhabitants of the said Towne some times by the Name of Commissaryes of the Towne of Beverwyck Sometimes by the Name of the Commissaryes of the Towne of Albany Sometimes by the Name of Schepenon of Willem Stadt and Sometimes by the Name of Justices of the Peace for the Towne of Albany and by Divers other Names as by their Severall Grants Writings Records and Minnuements Amongst other things may more fully Appeare AND whereas the Inhabitants of the said Towne have erected Built and Appropriated at their owne Proper Costs and Charges Severall Publick Buildings Accomodacons and Conveinencyes for the said Towne as also Certaine Peeces of Parcells of Ground for the use of the same (that is to say) the Towne Hall or Stadt House with the ground thereunto belonging the Church or meeting Place with the Ground about the same the Buryall Place Adjoyneing to the Pallisadoes att the South East end of the Towne the Watch House and Ground thereto belonging a Certaine Peece or Parcell of Land Comonly Called or Knowne by the Name of the Pasture Scituate Lyeing & being to the Southward of the said Towne neare the Place where the old ffort stood and Extending Alongst Hudsons River till it comes over Against the most Northerly Pointe of the Island Comonly called Martin Garetsons Island haveing to the East Hudsons River to the South the Manor of Renslaerswick to the West the Highway Leading to the Towne the Pasture late in the Tenure and Occupacon of Martin Garetson and the Pasture late in the tenure and Occupacon of Casper Jacobs to the North the Severall Pastures late in the tenures and Occupaccons of Robert Sanders, Mindart Harmanse and Evert Wandall and the Severall Gardens late in the tenures and Occupacons of Dirick Wessells, Killian Van Ranslaer and Abraham States with their and every of their Appurtennces and also have Established and Settled one fferry from the said Towne to Greenbush Scituate on the other side of Hudsons River for the Accomodacon and Conveniency of

Passengers the said Cittizens and Travillers AND whereas Severall the Inhabitants of the said Towne Doe hold from and under his most Sacred Majesty Respectively as well by Severall and Respective Pattents, Grants and Conveyances made & Granted by the late Governours and Commanders in Cheife of the said Province as otherwise Severall and Respective Messauges, Lands Tennements and Heriditaments in the Towne of Albany aforesaid AND that the said Inhabitants of the said Towne of Albany and their Heires and Assignes Respectively may hold Exercise and Enjoye not only such and the same Libertyes Privilidges, ffranchizes, Rights, Royaltyes ffree Customes, Jurisdiccons and Immunityes as they Antiently have had held used and enjoyed but also such Publick Buildings Accommodacons, Conveniencys, Messuages, Lands, Tenements and Hereditaments in the said Towne of Albany which as aforesaid have been by the Inhabitants Erected and Built or which have as aforesaid been held enjoyed Granted & Conveyed unto them or any of them Respectively KNOW YEE therefore that I the said Thomas Dongan by Virtue of the Commission and Authority unto me Given and Power in me Resideing att the Humble Peticon of the Justices of the Peace of the said Towne of Albany and for Diverse other Good Causes and Consideracons me thereunto moveing HAVE given Granted Rattified and Confirmed and by these Presents for & on behalfe of his most sacred Majesty aforesaid his Heires and Successors Doe Give Grant Rattifie and Confirme unto the said Inhabitants of the said Towne herein after Agreed to be Called by the Name or Names of the Mayor Aldermen and Comonalty of the Citty of Albany ALL and every such and the same Libertyes Privilidges, ffranchizes Rights Royalties ffree Customes Jurisdiccons and Immunityes which they have Antiently had held and enjoyed PROVIDED alwayes that none of the said Libertyes Privilidges, ffranchizes, Rights, ffree Customes, Jurisdiccons or Immunityes bee Inconsistent with or Repugnant to the Laws of his Majestyes Kingdom of England or other the Laws of the Generall Assembly of this Province and the aforesaid Publick Buildings Acomodacons and Conveniencyes Peeces or Parcells of Ground in the said Towne (that is to say) the said Towne Hall or Stadt House with the Ground thereunto belonging the said Church or Meeting Place with the Ground about the same the said Burying Place the said Watch House and Ground thereto belonging the sd Pasture and the aforemenconed fferry with their and every of their Rights Members, and Appurtennces together with all the Proffitts beneffitts and Advantages that shall or may Accrew or rise att all tymes hereafter for Anchorage or Wharfage in the

Harbour Port or Wharfe of the said Citty with all and Singular the Rents Issues Proffitts Gaines and Advantages which shall or may arise Grow or Accrew by the said Towne Hall or Stadt House and the Ground thereunto belonging Church or Meeting Place wth the Ground about the same Burying Place watch House Pasture fferry and other the above menconed Premissess or any of them and also all and every the Streets Lanes Highwayes and Alleyes within the said Citty for the Publick use and Service of the said Mayor Aldermen and Comonalty of the said Citty and of the Inhabitants of the Places Adjacent and Travellers there together with full Power Lycence and Authority to the said Mayor Aldermen and Commonalty and their Successors forever to establish Appoint Order and Direct the establishing making Layeing out Ordering Amending and Repayreing of all Streets Lanes Alleys Highwayes and Bridges Watercourses and fferryes in and throughout the said Citty or leading to the same Necessary Needfull and Convenient for the Inhabitants of the said Citty and the Partes Adjacent and for Travellers there PROVIDED alwayes that this said Lycence so as above Granted for the Establishing makeing and Laying out of Streets, Lanes, Alleys Highways fferrys and Bridges bee not extended or Construed to extend to the takeing away of any Person or Persons, Right or Property without his her or their Consent or by some knowne Law of the said Province AND for the Consideracons aforesaid I Doe likewise Give Grant Rattifie and Confirme unto all and every the Respective Inhabitants of the said Citty of Albany and their Severall and Respective Heires and Assignes ALL and every the Severall and Respective Messuages Lands, Tennements and Heriditaments Scituate Lyeing and being in the said Citty to them Severally and Respectively Granted Conveyed and Confirmed by any the late Governo's Leivetenants or Commanders in Cheife of the said Province or by the Commissarys or Justices of the Peace or other Magistrates of Albany aforesaid or otherwise howsoever TO HOLD to their Severall and Respective Heires and Assignes forever AND I Doe by these Presents Give and Grant unto the said Mayor Aldermen and Comonalty of the said Citty of Albany all the Wast Vacant Unpattented and unappropriated Land Lyeing and being within the said Citty of Albany and the Precints and Libertyes thereof extending and Reaching to the Low water marke in by & through all Parts of the said Citty togather with all Rivers, Rivoletts Coves, Creeks, Ponds, Waters, Water Courses in the said Citty not heretofore Given or Granted by any of the former Governo's Leivtenants or Commanders in Cheife under their or Some of their Respective Hands and Seales or the Seale of the Province to Some Respect-

ive Person or Persons late Inhabitants of the said Citty or of Other Parts of the said Province and also the Royalties of ffishing ffowleing Hunting Hawking, Mines Mineralls and other Royaltyes and Privilidges belonging or Appurtaineing to the Citty of Albany (Gold & Silver Mines only excepted) AND I do by these Presents Give Grant & Confirme unto the said Mayor Aldermen and Comonalty of the Citty of Albany and their Successors for ever full and free Lycence or Liberty of ffishing in Hudsons River not only within the Limitts of the said Citty butt without even so farr Northward & Southward as the said River does Extend it selfe within the said County of Albany togather with free Liberty Lycence & Authority to and for the said Mayor Aldermen and Comonalty of the Citty of Albany aforesaid and their Successors att all time & times hereafter FOR and dureing the space of one and twenty Yeares from and after the fourth day of November last Past to be Accompted and fully to be Compleate and ended to Cutt Downe and Cary away out of any Parte of the Manner of Renslaerswick (provided it be not within any ffenced or Inclosed Land) Such ffirewood and Timber for Building and ffencing as to them shall seem meete and Convenient AND I Do by these p'sents Grant unto the said Mayor Aldermen and Comonalty of the Citty of Albany and their Successors forever hereafter all such Strayes as shall be taken within the Limitts Precincts and Bounds of the said Citty AND I Do by these Presents Give and Grant unto the said Mayor Aldermen and Comonalty of the Citty of Albany and their Successors full Liberty and Lycence att their Pleasure to Purchase from the Indians the Quantity of ffive hundred Acres of low or Meadow Land lyeing att a Certaine Place Called or knowne by the Name of Shachtegue which Quantity of five hundred Acres shall and may be in what Part of Schachtecogue or the Land Adjacent they the said Mayor Aldermen & Comonalty of the Citty of Albany shall think most Convenient AND I Do by these P'sents Give and Grant unto the said Mayor Aldermen and Comonalty full Power and Lycence att their Pleasure likewise to Purchase from the Indians the Quantity of one thousand Acres of Low or Meadow Land Lyeing att a Certaine Place called or knowne by the name of Ticonondaroge WHICH Quantity of one thousand Acres of Low or Meadow Land shall and may bee in what Parte of Tionandorage or the Land adjacent on both sides of the River as they the said Mayor Aldermen and Comonalty of the said Citty of Albany shall think most Convenient which said Severall Parcells of Low or Meadow Land I Do hereby in behalf of his said Majesty his Heires and Successo's Give

Grant and Confirme unto the said Mayor Aldermen and Comonalty of the Citty of Albany aforesaid to bee and Remaine to the use & behoofe of them and their Successors for ever TO HAVE AND TO HOLD all and Singular the Premissess to the said Mayor Aldermen and Comonalty of the said Citty of Albany and their Successors forever RENDRING and paying therefore unto his most Sacred Majesty his Heires Successors and Assignes or to such Officer or Receiver as shall be Appointed to Receive the same Yearly forever hereafter the Annuall Quitt Rent or Acknowledgmt of one Bever skinn in Albany on the five and twentyth Day of March Yearly forever AND moreover I will and by these Presents for his said Majesty his Heires and Successors Doe Grant Appointe and Declare that the said Citty of Albany and the Compasse Precincts and Limitts thereof and the Jurisdiccons of the same shall from henceforth extend and reach its selfe and shall and may be able to reach forth and extend its selfe as well in Length and in Breadth as in Circuite on the East By Hudsons River so farr as Low water marke to the South by a Line to be Drawne from the Southermost end of the Pasture at the North end of the said Island Called Martin Garitsons Island Running back into the woods sixteen english Miles Due Northwest to a Certain kill or Creeke called the Sand kill on the North to a Line to be Drawne from the Post that was sett by Governor Stuyvesant neere Hudsons River Runing likewise North West sixteen English Miles and on the West by a Streight line to bee Drawne from the Points of the said South and North Lines WHEREFORE by these Presents I Doe firmly Enjoyne and Comand for and on behalfe of his sd Majesty his Heires and Successors that the aforesaid Mayor Aldermen and Comonalty of the Citty aforesd & their Successors shall and may freely & Quiettly have hold use and enjoye the aforesaid Libertyes Authorityes Jurisdiccons, ffranchizes Rights Royaltyes Privilidges Advantages Exempcons Lands Tenements Hereditaments and Premissess aforesaid in manner and forme Aforesaid according to the Tenure and effect of the aforesaid Grants Pattents Customes and these Letters Pattents of Grant and Confirmacon without the Lett Hindrance or Impedimt of any of his Majestyes Governours Lievtenants or other Officers whatsoever and that the said Mayor Aldermen & Comonalty of the Citty aforesaid and their Successors or any of them in the free use and enjoymt of the Premissess or any of them by the Leivtenants or Governo's of his said Majesty his Heires and Successors or by any of them shall not be hindred Molested or in any wise Disturbed AND also I Doe for and on the behalfe of his

most Sacred Majesty his Heires and Successors ordeyne and Grant to the Mayor Aldermen and Comonalty of the said Citty of Albany & their Successors by these p'sents that for the better Governmt of the said Citty Libertyes and Precincts thereof there shall bee for ever hereafter within the said Citty a Mayor Recorder Towne Clerke and six Aldermen and six assistants to be Appointed Nominated Elected Chosen and Sworne as herein after is Particularly and respectively menconed who shall be forever hereafter called the Mayor Aldermen & Comonalty of the Citty of Albany and yt their shall be forever one Chamberlaine or Treasurer one Sherriffe one Coroner one Clerke of the Markett one high Constable three sub. Constables and one Marshall or Serjant att Mace to be Appointed Chosen and Sworne in manner herein after menconed AND I Do by these Presents for and on the behalf of his most Sacred Majesty his Heires and Successors Ordeyne Declare Constitute Grant and Appoint that the Mayor Recorder Aldermen and Assistants of the said Citty of Albany for the tyme being and their Successors forever hereafter be & shall bee by force of these p'sents one body Corporate and Polotick in Deed fact and name by the Name of the Mayor Aldermen and Comonalty of the Citty of Albany and them by the Name of the Mayor Aldermen and Comonalty of the Citty of Albany ONE Body Corporate and Politique in Deed fact & Name I do really and fully Create Ordaine make Constitute and Confirme by these p'sents - AND that by the Name of the Mayor Aldermen & Comonalty of the Citty of Albany they may have Perpetuall Succession AND that they and their Successors forever by the Name of the Mayor Aldermen and Comonalty of the Citty of Albany be and shall bee forever hereafter Persons able & in Law Capable to have gett Receive and Possesse Lands, Tenements Rents Libertyes Jurisdiccons, ffranchizes and Hereditaments to them and their Successors in ffee Simple or for term of Life Lives or Yeares or otherwise and also Goods & Chattles and also other things of what Nature Quality or kind soever AND also to Give, Grant Lett sett and Assigne the Same Lands Tenements Hereditaments, Goods and Chattles and to Doe and Execute all other things in & About the same by the Name aforesaid AND also that they bee and forever shall bee Persons able in Law Capable to Plead and be impleaded Answer & be Answered unto Defend and be Defended in all or any the Courts of his said Majesty and other places whatsoever and before any Judges Justices and other Person or Persons whatsoever in all and all Manner of Accons Suites Complaints Demands Pleas Causes and Matters whatsoever of what nature kind or Quality soever in the same and the like manner & forme

as other People of this Province being p'sons able and in Law Capable may Plead and bee Impleaded Answer and bee Answered unto Defend & bee DEFENDED by any Lawfull wayes or means whatsoever AND that the said Mayor Aldermen & Comonalty of the said Citty of Albany and their Successors shall and may forever hereafter have one Comon Seale to Serve for the Sealing of all and Singular their Affaires and Buisnessess touching or Concerning the said Corporacon and it shall and may be Lawful to and for the said Mayor Aldermen and Comonalty of the sd Citty of Albany and their Successors as they shall see Cause to breake Change Alter and New make their said Comon Seale when and as often as to them it shall seeme Convenient AND further KNOW YEE that I have Assigned Named Ordained & Constituted and by these p'sents doe Assigne Name Ordeine & Constitute Peter Schuyler to be the p'sent Mayor of the said Citty of Albany and that hee the said Peter Schuyler shall remaine and Continue in the Office of Mayor there untill another fitt Person shall bee Appointed and Sworne in the said Office as in and by these p'sents is hereafter menconed and Directed AND I have Assigned Named Ordained and Constituted and by these p'sents doe Assigne Name Ordaine & Constitute Isaac Swinton to be the p'sent Recorder of the said Citty to Doe and Execute all things which unto the Office of Recorder of the said Citty Doeth or may any way Appertaine or belong and I have Assigned NAMED Ordained and Constituted and by these p'sents Doe Ordaine Constitute Create and Declare Robert Livingston Towne Clerk of the said Citty to Doe and execute all things which unto the Office of Towne Clerk Doth or may belong AND also I have Named Assigned Constituted and make and by these p'sents Doe Assigne Constitute and make Dirick Wessells, Jan Janse Bleecker David Schuyler Johannes Wendall, Levinus Van Schaick and Adrian Gerritse Citizens and Inhabitants of the said Citty of Albany bee the present Aldermen of the said Citty AND also I have made Assigned Named and Constituted and by these p'sents Doe make Assigne Name and Constitute Joachim States John Lansing Isaack Verplank, Lawrence Van Ale Albert Ryckman and Melgert Wynantse Cittizens and Inhabitants of of the said Citty to be the Present Assistants of the said Citty also I have Assigned Chosen Named & Constituted Jan Beecker Cittizen and Inhabitant of the said Citty to be the Present Chamberlaine or Treasurer of the Citty aforesaid AND I have Assigned Named Constituted and Appointed by these presents Doe Assigne Name Constitute and Appoint Richard Pretty one other of the said Cittizens there to be the Present Sherriffe

of the said Citty AND I have Assigned Named Constituted and Appointed and by these p'sents Doe Assigne Name Constitute and Appointe James Parker one other of the said Cittizens to be the p'sent Marshall of the said Citty AND I Doe by these Presents Grant to the said Mayor Aldermen and Commonalty of the said Citty of Albany and their Successors that the Mayor Recorder Aldermen and Assistants of the said Citty for the time being or the Mayor and any three or more of the Aldermen and any three or more of the Assistants of the said Citty for the time being bee and shall bee Called the Comon Council of the said Citty and that they or the Greater Parte of them shall or may have full Power and Authority by Virtue of these p'sents from time to time to call and hold Comon Council within the Comon Council House or Citty Hall of the said Citty AND there as Occasion shall be to make Laws Orders Ordinances and Constitutions in Writeing and to Add Alter Deminish and Reforme them from time to time as to them shall seeme Necessary and Convenient (not Repugnant to the Perrogative of the Kings Majesty) his Heires and Successors or to any the Lawes of the Kingdom of England or other the Lawes of the Generall Assembly of the Province of New Yorke aforesaid) for the Good Rule oversight Correccon and Govermt of the said Citty & Libertyes of the same & of all the Officers thereof and of the Severall Tradsmen Victuallers Artificers & of all other People & Inhabitants of the said Citty Libertyes & precincts aforesaid and for Preservacon of Governmt the Indian trade and all other Commerce and Dealing and for Disposall of all the Lands Tenements and Hereditamts Goods and Chattles of the said Corporacon which said Lawes Ordinances and Constitutions shall bee binding to all the Inhabitants of the said Citty Libertyes and Precincts aforesaid and which Lawes orders Ordinances and Constitutions so by them to be made as aforesaid shall bee and remaine in force for the space of one Yeare and no longer unless they shall bee Allowed and Confirmed by the Governor and Councill for the time being AND further I Will and Grant that the said Comon Council of the sd Citty for the time being as often as they make ordeyne and Establish Such Lawes Orders Ordinances and Constitutions as aforesaid shall or may make Ordeyne Limitt Provide Sett impose and Tax reasonable ffines & Amerciamts against and upon all Persons Offending agt Such Lawes Orders Ordinances and Constitutions as aforesaid or any of them to be made Ordeyned and Established as aforesaid and the same ffines and Americiamts shall and may Require Demand Levy take and Receive by War-

rants under the Comon Seale & for the use and behoofe of the Mayor Aldermen and Comonalty of the said Citty and their Successors either by Distresse and Sale of the Goods & Chattles of the Offenders therein if such Goods & Chattles may be found within the said Citty Libertyes & Precincts thereof Rendring to such Offender &Offenders the Overplus or by any other Lawfull wayes or meanes whatsoever AND I Doe by these P'sents for the Kings Majesty his Heires & Successors Appoint & Ordeyne the Assigneing NAMEING and Appointmt of the Mayor and Sherriffe of the said Citty that it shall be as followeth (vizt) upon the feast Day of St. Michael the Archangell Yearly the Leivtenant Governour or Commander in Cheife for the time being by & with the Advice of his Council shall Nominate and Appointe such a Person as he shall thinke fit to bee Mayor of the said Citty for the Yeare next Ensueing and one other Person of Sufficient Ability in Estate and Capacity in understanding to be Sherriffe of the said Citty of Albany for the Yeare next Ensueing and that such Person as shall be Assigned Named and Appointed Mayor and such p'son as shall be Named Assigned and Appointed Sherriffe of the said Citty as aforesaid shall be on the fouertenth day of October then next following in the Citty Hall or Stadt House aforesaid take their Severall & Respective Corporall Oaths before the Recorder Aldermen and Assistants or any three of the Aldermen & fouer of the Assistants of the said Citty for the time being for the Due Execucon of their Respective offices as aforesaid AND that the said Mayor and Sheriffe so to be Nominated and Appointed as aforesd shall Remayne and Continue in their said Respective Offices untill another fitt p'son shall be Nominated Appointed & Sworne in the Place of Mayor & one other p'son shall be Nominated Appointed and Sworne in the Place of Sherriffe of the sd Citty in manner aforesaid which Oaths the said Recorder Aldermen and Assistants or any three or more of the Aldermen shall and may Lawfully Administer and have hereby Power to Administer to the said Mayor and the said Sheriffe so Nominated and Appointed from time to time Accordingly AND further that According to usage & Custome the Recorder & Towne Clerke of the said Citty shall be Persons of Good Capacity & Understanding such as his Most Sacred Majesty his Heires and Successors shall in the said Respective Offices of Recorder & Towne Clerke respectively Appoint & Commissionate and for Defect of such Appointment & Commissionateing by his most Sacred Majesty as aforesaid his Heires and Successors to bee such Person as the said Governor Leivt. or Commandr in Cheife of the said Province for the time being shall Appoint or Commissionate which Persons so Commissionated to

the said Office of Recorder and Office of Towne Clerke Respectively shall have hold and enjoy the said Offices Respectively According to the Tenure and effect of the said respective Commissions and not otherwise AND further I will that the Recorder Towne Clerke Aldermen Assistants Chamberlaine High Constables Petty Constables and all other Officers of the said Citty before they or any of them shall bee Admitted to enter upon and execute their respective offices shall be Sworne ffaithfully to execute the same before the Mayor or any three or more of the Aldermen for the time being AND I Doe by these Presents for and on behalfe of his said Majesty his Heires and Successors Grant and Give Power and Authority to the Mayor and Recorder of the said Citty for the time being to Administer the same Respective Oaths to them Accordingly AND further I Will and by these p'sents Doe Grant for and on behalfe of his most sacred Majesty his Heires and Successors that the Mayor Aldermen and Recorder of the sd Citty for the time being shall bee Justices and keepers of the Peace of his said Majesty his Heires and Successors and Justices to heare and Determine matters and Causes within the said Citty Libertyes and Precincts thereof and that they or any three or more of them shall and may for ever hereafter have Power and Authority by Virtue of these Presents to here and Determine all and all manner of Petty Larcenys Riots Routs Oppresions Extortions and other trespasses and Offences whatsoever within the said Citty of Albany and the Limitts Precincts and Libertyes thereof from time to time Arriseing and happening and which shall arise or happen and any wise belong to the Office of Justices of the Pease and Correccon and Punishmt of the Offences aforesaid and every of them According to the Laws of England and the Lawes of the said Province and to Doe and Execute all other things in the said Citty Libertyes and Precincts aforesaid so fully and in as ample manner as to the Commissioners Assigned & to be Assigned for the keeping of the Peace in the said Citty and County of Albany Doth or may belong AND moreover I Doe by these p'sents for his Majesty his Heires and Successors will and Appointe that the Aldermen and Assistants wthin the said Citty bee Yearly Chosen on the feast Day of St. Michaell the Arch Angell forever (vizt) two Aldermen and two Assistants for each respective ward in such Publick Place in the said Respective Wards as the Aldermen for the time being for each ward shall Direct and Appoint and that by the Majority of voyces of the Inhabitants of each ward AND that the Chamberlaine shall be Yearly Chosen on the said ffeast Day in the

Citty Hall of the said Citty by the said Mayor Aldermen and Assistants of the said Citty or by the Mayor or three or more of the Aldermen and thre or more of the Assistants of the said Citty for the time being AND I Doe by these p'sents Constitute and Appoint Robert Livingston to be the p'sent Towne Clerke Clerke of the Peace and Clerke of the Court of Pleas to be holden before the Mayor Recorder and Aldermen within the said Citty and the Libertyes and Precincts thereof AND further I Do by these p'sents for his said Majesty his Heires and Successors Require and Straitly Charge and Comand that the Sherriffe Towne Clerk Clerke of the Peace High Constable Petty Constables and all other Subordinate Officers in the said Citty for the time being and every of them respectively Joyntly and Severally as Cause shall require shall Attend upon the said Mayor Recorder and Aldermen of the sd Citty for the time being and every or any of them According to the Duty of their Respective Places in and about the Executeing of such the Comands, Precepts, Warrants and Processe of them and every of them as belongeth and Appertaineth to be Don or Executed AND that the aforesaid Mayor Recorder and Aldermen and every of them as Justices of the Peace for the time being by their or any of their Warrants all and every Person and Persons for High treason or Petty treason or for Suspiccon thereof and for other ffellonyes whatsoever and all Malefactors and Disturbers of the Peace and other offenders for any other Misdemeano's who shall be Apprehended within the said Citty or Libertyes thereof or without the same in any Parte within the said County shall and may send and Comitt or Cause to be Sent and Comitted to the Comon Goale of the said Citty there to Remaine and bee kept in safe Custody by the keeper of the said Goale or his Deputy for the time being untill such Offender and Offenders shall bee Lawfully Delivered thence AND I Do by these p'sents for his said Majesty his Heires & Successors charge and Require the keeper & Keepers of the said Goale for the time being and his & their Deputy and Deputies to Receive and take into safe Custody to keep all and Singular such Person & Persons so Apprehended or to bee Apprehended Sent & Committed unto the said Goale by warrtt of the sd Justices or any of them as aforesaid untill he or they so Sent and Committed to the said Goale shall from thence bee Delivered by Due Course of Law And further I Grant and Confirme for his said Majesty his Heires and Successors that the said Mayor of the said Citty for the time being and no other shall have Power and Authority to Give and Grant Lycenses Annually under the Publick Seale of the said

Citty to all Tavernekeepers Innkeepers Ordinary keepers Victuallers and all Publick Sellers of Wine Strong waters Sider Beere or any other Sort of Liquors by Retaile within the Citty aforesaid or the Libertyes and Precints thereof or without the same in any Part of the said County and that it shall and may be Lawfull to and for the said Mayor of the said Citty for the time being to Ask Demand & Receive for each Lycence by him to be Given and Granted as aforesaid Such Sume or Sumes of Mony as hee and the Person to whom such Lycence shall be Given or Granted shall Agree for not exceeding the Sume of thirty Shillings Currtt mony of this Country for each Lycence all which mony as by the said Mayor Shall bee so Received shall bee used and Applyed to the Publick use of the said Mayor Aldermen and Comonalty of the said Citty of Albany without any Account thereof to be Rendred made or Don to his said Majesty his Heires Successors or Assignes or any of his Leivtenants or Governors of the said Province for the time being or any of their Deputyes AND further I Do Grant for his said Majesty his Heires and Successors that the sd Mayor of the said Citty for the time being and noe other be & forever shall bee Clerke of the Markett within the Citty aforesaid & the Libertyes & Precincts thereof and yt. hee & no other shall & may forever Doe Execute & Performe all & Singular Acts Deeds & things whatsoever belonging to the Office of Clerke of the Markett wthin the Citty aforesaid and the Libertyes & Precincts thereof to bee Don Executed & Performed AND that the said Mayor of the said Citty for the time being & no other P'son or Persons shall or may have Assize or Assay of Bread Wine Beere and Wood and other things to the Office of Clerke of the Markett belonging or Concerning as well in the Presence as in the Absence of his said Majesty his Heires & Successors or his or their Lievtenants or Governo's here ALSO I will and Grant for his said Matie his Heires and Successors unto the Mayor Aldermen and Comonalty of the said Citty for the time being and their Successors for ever that the Mayor of the Citty aforesaid for the time being During the time that hee shall Remaine in the said Office of Mayor and no other be or shall bee Coroner of his said Majesty his Heires and Successors as well within the Citty aforesaid and the Libertyes and Precincts thereof as without the Same within the Limitts and bounds of the said County and that hee and no other shall doe or Cause to be Don and Executed within the said Citty Limitts and Precincts thereof or without the same within the Limitts and Bounds of the said County all and Singular Matters and things to the said Office of Coroner belonging thereto be Don and that the said Mayor of the said Citty for the time being shall take his Corporall

Oath before the Recorder or any three or more of the Aldermen of the said Citty well and Duly to Execute the said Offices of Clerke of the Markett and Coroner, of the said Citty & County before hee take upon him the Execucon of either of the said Offices AND also I Do by these p'sents Grant unto the Mayor Aldermen & Comonalty of the said Citty of Albany that if any of the Cittizens of the said Citty or Inhabitants within the Libertyes and precincts thereof that shall after be Elected Nominated and Chosen to the Office of Mayor Alderman Assistant Sherriffe or Chamberlaine of the said Citty as aforesaid and have Notice of his or their Eleccon shall refuse or Deny to take upon him or them to execute that Office to which they shall bee so Chosen or Nominated that then and so often it shall and may be Lawfull for the Mayor Recorder Aldermen and Assistants of the said Citty for the time being or the Mayor or any three of the Aldermen and three or more of the Assistants of the said Citty for the time being to tax Assesse & Impost upon such Person or Persons so Refuseing or Denying such Reasonable or Moderate fines and Sumes of Mony as to their Discretion shall bee thought most fitt so as the said ffine Penalty or Sume for Refuseing or Denyeing to hold and Execute the office of Mayor of the said Citty do not exceed the Sume of twenty Pounds Currant Mony of this Countrey and the ffine for Refuseing or Denying to hold and Execute the Place of an Alderman Doe not Exceed the Sume of tenn Pounds like Currtt Mony and the fine for Denyeing or Refuseing to hold & Execute the Place of Chamberlaine Assistant or Sherriffe the Sume of five Pounds like Currtt Mony AND I Doe by these p'sents for his sd Majesty his Heires and Successors Authorize the Mayor Recorder Aldermen and Assistants of the said Citty for the time being and the Mayor or any three or more of the aldermen and three or more of the Assistants there for the time being to frustrate and make Voyd the Eleccon of such Person & Persons so refuseing or Denyeing as aforesaid and then and in such Cases any other fitt and able Person and Persons Cittizen or Cittizens of the said Citty or Inhabiting within the Libertyes & Precincts thereof in Convenient times to Elect a New in manner aforesaid Directed & Prescribed to execute such Office & Offices so Denyed or Refused to be Executed as aforesaid and that if it shall happen that such p'son and Persons so to be Elected Anew shall refuse or Deny to take upon him or them any of the sd Office or Offices unto which hee or they shall be Chosen and Elected as aforesaid then and in such Case the Mayor Recorder Aldermen and Assistants of the said Citty for the time being or

the said Mayor or three or more of the said Aldermen and three or more of the Assistants of the sd Citty for the time being shall or may Sett and Impose upon them so Denyeing or Refuseing such and the Like moderate ffynes as is before Sett Downe in the like Cases to the Respective Offices with such Limitacons as aforesaid and also in such and the like manner as aforesaid to Continue and make Void such Election and Eleccons and make new Elections as often as Need shall bee and Require all which said ffines so Sett and Imposed I Doe by these Presents for and on behalfe of his said Majesty his Heires Successors and Assignes Grant to bee and shall bee and Remaine and belong unto and shall bee putt into the Possession & Seizin of the Mayor Aldermen & Comonallty for the time being and their Successors to be levyed and taken by warrtt under the Comon Seale and by Distresse and Sale of the Goods & Chattles of the Severall Persons so Refuseing or Denying as aforesaid if such Goods and Chattles may bee found within the said Citty Libertyes and Precincts thereof Rendring to the Partyes the Over plus or by any other wayes or Lawfull meanes whatsoever to the only use of the said Mayor Aldermen & Comonalty of the said Citty of Albany and their Successors without any Accott to bee Rendred made or Done to the said Kings Majesty his Heires Successors or Assignes for the same AND know yee that for the better Governmt of the said Citty and for the Wellfaire of the Cittizens Tradsmen & Inhabitants thereof I Do by these Presents for his said Majesty his Heires and Successors Give and Grant to the said Mayor Aldermen and Comonalty of the said Citty and their Successors that the Mayor Recorder and Aldermen or the Mayor or any three or more of the Aldermen for ye time being shall from time to time and att all times hereafter have full Power and Authority under the Comon Seale to make free Cittizens of the said Citty & Libertyes thereof and no Person or Persons whatsoever other then such ffree Cittizens shall hereafter use any Art Trade Mistory or Manuall Occupacon within the said Citty Libertyes and Precincts thereof Saveing in the times of ffayres there to be kept and During the Continuance of such ffayres only & in Case any p'son or p'sons whatsoever not being free Cittizens shall hereafter use or Exercise any Art Trade Mistory or Manuell Occupacon or shall by himselfe themselves or others Sell or Expose to Sale any manner of Merchandizes or Wares whatsoever by Retaile in any House Shop or Place or Standing within the said Citty or the Libertyes or Precincts thereof no

faire being then kept in the said Citty and shall persist therein after warning to him or them Given or left by the Appointment of the Mayor of the said Citty for the time being att the Place or Places where such Person or Persons shall soe use and Exercise any Art trade Mistory or Manuall Occupacon or shall Sell or Expose to Sale any Wares or Merchandizes as aforesaid by Retaile then it shall be Lawfull for the Mayor of the said Citty for the time being to Cause such Shop windows to be Shutt and also to impose such Reasonable ffine for such offence not exceeding twenty Shillings for every Respective offence and the same ffines so Imposed to Levy and take by Warrtt under the Comon Seale of the said Citty for the time being by Distresse and Sale of the Goods and Chattles of the Person or Persons so Offending in the Premissess found within the Libertyes and Precincts of the said Citty Rendring to the Partyes the Overplus or by any other Lawfull wayes or meanes whatsoever to the only use of the said Mayor Aldermen and Comonalty of the said Citty of Albany & their Successors without any Account to be Rendred made or Don to his sd Majesty his Heires & Successors or to his or their Leivetenants Governours or Commanders in Cheife for the same PROVIDED Alwayes that noe Person or Persons shall be made free as aforesaid but such as are his Majestyes Naturall borne Subjects or such as shall be first Naturalized by Act of Generall Assembly or have Obtained Letters of Denization under the Hand of the Leivt. or Governour or Commander in Cheife for the time being and the Seale of the said Province and that all Persons to be made free as aforesaid shall & Doe Pay for the Publick use of the said Mayor Aldermen and Comonalty of the said Citty such Sum or Sumes of Mony as such Person or Persons so to be made free shall respectively agree for not exceeding the Sume of three Pounds twelve Shillings for the Admission of each Marchant or trader and the Sume of Six and thirty Shillings for the Admission of each handicraft or tradsman AND whereas amongst other ye Rights Privilidges Preheminences & Advantages which the Cittizens and ffremen of the sd Citty of Albany & their Predecessors have for many Yeares last past held used & enjoyed the Privilidge Preheminence & Advantage of haveing within their owne Walls the Sole Managmt of the Trade with all the Indians Liveing within & to the Eastward Northward and Westward of the said County of Albany within the Compasse of his said Majestyes Dominion here wch hath been from time to time Confirmed to them & their said Predecessors as well by Prescription as by Divers and Sundry Grants Orders Confirmacons & Proclamations Granted Ordered Confirmed and

issued forth not only by & from Divers Governo's and Commanders in Cheife in the said Province since the same hath been under his said Majestyes Dominion but also of Severall Governours Generall & Commanders in Cheife of the Neither Dutch Nacon whilst the same was or has been under their Power and Subjeccon which has Alwayes been found by Experience to be of Greate Advantage not only to the said Citty in Particular butt to the whole Province in Generall and that by the Care Caution and Inspection of the Magistrates of the said Citty to the well and Orderly management & Keeping the Trade with the Indians within their walls it has turned Vastly to the Advancement of Trade and the increase of his Majestyes Revenue and been the Sole meanes not only of Preserving this Province in Peace & Quiett whilst the Neighbouring Colonyes were imbrued in Blood & Warr but also of Putting an end to the Miseryes those Colonyes Laboured under from the Insulting Cruilty of the Northern Indians whereas on the other hand it has been no lesse evident that whenever there has been any Slacknesse or Remissnesse in the Regulacon & keeping the Indian Trade within the Walls of the sd Citty Occasioned by the encroachmt of Some Persons trading with the Indians in Places remote some Clandestinly others upon p'tence of Hunting Passes and the Like ye trade not only of the said Citty but of the whole Province has Apparently Decreased the Kings Revenue has been much impaired & not only Soe but this Governmt has lost much of the Reputacon and Management amongst the Indians which it otherwise had and enjoyed WHEREFORE for and on behalfe of his said Majesty his Heires and Successors I have Given Granted Ratified and Confirmed and by these Presents Doe Give Grant Ratifie and Confirme unto the Mayor Aldermen & Comonalty of the said Citty of Albany and their Successors forever the Right Privilidge Preheminence and Advantage of the Sole & only Managmt of the Trade with the Indians as well within this whole County as without the same to the Eastward Northward and Westward thereof so farr as his Maties Dominion here does or may extend to be Managed & Transacted only by the ffreemen being Actuall Inhabitants within the sd Citty & within the Now Walls or Stockados thereof and not else where And I Do hereby for his said Majesty his Heires and Successors Absolutely forbid and Prohibite all and every the Inhabitants of the said Province of New Yorke (the Inhabitants of the said Citty of Albany only Excepted) to Trade or traffique with any of the five Nations of Indians Called the Sinicas Cayugaes Onondagues Oneides & Maques who live to the Westward or with any other Indian or Indians whatsoever

within the County of Albany or to the Eastward Northward or Westward thereof so ffarr as his sd Majestyes Dominions here do or may extend or to have or keepe in their Houses or else where any Indian Goods or Marchandizes upon the Payne & Penalty of the fforfeiture and Confiscacon of such Indian Comodityes whether the same be Beavers Peltry or other Indian Comodityes whatsoever (Except Indian Corne Venison & Drest Deere Skins so traded for and upon Paine and Penalty of the fforfeiture and Confiscacon of all such Indian Goods and Marchandizes as Gunns Powder Lead Duffills Rum & all other Indian Goods & Marchandizes which shall att any time hereafter be found Concealed or kept in any House or Place without the Walls of the said Citty & within the said County of Albany and the other Limitts and Boundaryes herein before sett forth and Prescribed and in case any Person or Persons whatsoever shall att any time hereafter out of the Walls of said Citty and within the said County or the other Limitts and Boundaryes herein before Sett forth and Prescribed trade or traffique with any Indian or Indians for any Bever Peltry or other Indian Comodityes (Except before Excepted) or there shall Conceale & keepe any Indian Goods Wares or Marchandizes in any House or Place as aforesaid then it shall and may be Lawfull for the Mayor Recorder or any of the Aldermen for the time being by warrtt under their or any of yr Hands to Cause such Indian Comodityes so Traded for and such Goods or Marchandizes so kept & Concealed without the Walls of the sd Citty wheresoever they shall be found within the said Citty or County or without the same within the Limitts and Boundaryes before Expressed to be Seized & the same to be Condemned and Confiscate in the Court of Pleas or Comon Pleas in the sd Citty or any other Court of Record within the said Citty or Province one third Parte to the Mayor of the sd Citty for the time being one third Parte to such Person or Persons as shall informe or Sue for the same and the other third Parte to the use of the Mayor Aldermen and Comonalty of the said Citty of Albany and their Successors forever and also that it shall and may be Lawfull to and for the Mayor Recorder and Aldermen of the said Citty for the time being by a Warrtt under their or any of their Hands and Seales to Cause such Person or Persons as shall Presume to Trade or traffique with the Indians Contrary to the forme & Effect of these p'sents to be Apprehended where ever they shall be found within the Limitts & Boundaryes herein before Prescribed to Answer the same at the Court of Pleas and Comon Pleas in the said Citty or any other Court of

Record within the said Citty or Province where being Legally Convicted thereof such Person or Persons over & besides the fforfeiture and Confiscacon of such Goods Marchandizes and Comodityes as aforesaid shall be ffineable and ffined in such Sume or Sumes of Mony (not exceding twenty Pounds Currtt Mony of this Country) as at the Discretion of such Court before whom hee or they shall be prosecuted shall be thought Reasonable and Convenient which said ffines shall be one third Parte to the Person who shall informe and Prosecute for the same and ye other two thirds to the use of the Mayor Aldermen & Comonalty and their Successors for ever AND further I Doe by these p'sents for and on the behalfe of his said Majesty his Heires & Successors Grant & Declare to the said Mayor Aldermen and Comonalty of Albany and their Successors that his Majesty his Heires & Successors or any of his or yr Governor's Leivts Comand's in Cheife or other Officers shall not or will not from henceforward forever hereafter Grant unto any Person or Persons whatsoever and Lycence or Lycences to Hunt within the said County of Albany or to the Eastward Northward and Westward so farr as his said Majestyes Dominions here Doth or may extend without the Consent and Approbacon of the Mayor Aldermen and Comonalty of the sd Citty of Albany for the time being by the said Person or p'sons first to be had and obtained AND further I Doe by these P'sents for his sd Majesty and his Successors Grant to the said Mayor Aldermen & Comonalty of the said Citty that they & their Successors bee forever Persons able and Capable and shall have Power to Purchase have take & Possesse in ffee Simple Lands Tennemts Rents & other Possessions within or without the same Citty to them & their Successors for ever so as the same exceed not the Yearly Value of one thousand Pounds p Annum the Statute of Mortmaine or any other Law to the Contrary Notwithstanding and the same Lands Tennements Heriditaments & Premissess or any Parte thereof to Demise Grant Lease Sett over Assigne & Dispose at yr owne will & Pleasure & to make Seale and Accomplish any Deed or Deeds Lease or Leases Evidences or Writteings for & Concerning the same or any Parte thereof which shall happen to be made & Granted by the said Mayor Aldermen and Comonalty of the said Citty for the time being AND further for and on behalfe of his said Majesty his Heires and Successors I Doe by these p'sents Grant to the said Mayor Aldermen and Comonalty that they and their Successors shall and may for ever hereafter hold & keep within the said Citty in every Week of the Yeare two Markett Dayes the one upon Wednesday & the other upon Satturday weekly forever AND also I Doe by these p'sents for and on behalfe of his said

Majesty his Heires & Successors Grant to the sd Mayor Aldermen & Comonalty of the sd Citty that they and their Successors and Assigns shall and may at any time or times hereafter Build a Publick Weigh House in such Parte of the said Citty as to them shall seem Convenient and that they the sd Mayor Aldermen & Comonalty shall and may Receive Perceive and take to their own proper use & behoofe all and Singular the Issues & Profitts there from or thereby Arriseing or Accrewing as also yt: they the said Mayor Aldermen and Comonalty of the said Citty of Albany their Heires and Successors shall and may att any time or times hereafter when it to them shall seem fitt and Convenient to take in ffill and make up and Lay out all & Singular the Ground & Land within the Limitts & Precincts of the said Citty and the same to Build upon and make use of in any other Manner or way as to them shall seem fitt as farr into the River that Passeth by the same as low water marke aforesaid AND further for and on behalfe of his sd Majesty his Heires & Successors I by these p'sents Doe Give & Grant unto the aforesaid Mayor Aldermen & Comonalty of the said Citty of Albany and their Successo's that they and their Successors shall and may have hold & keep wthin the said Citty Libertyes & Precincts thereof once every ffortnight in every Yeare forever upon tuesday one Court of Comon Pleas for all Accons of Debt trespasse upon the Case Detinue Ejectmt and other Personall Accons and the same to be held before the Mayor Recorder & Aldermen or any three of them (whereof the Mayer or Recorder to be one) who shall have Power to heare & Determine the same Pleas and Accons According to the Rules of the Comon Law Acts of Genll Assembly of the sd Province & the Course of other Corporacons in the like Nature AND further for and on behalfe of his said Majesty his Heires and Successo's I Do by these Presents Give and Grant to the said Mayor Aldermen & Comonalty of the sd Citty of Albany and their Successors forever that the Mayor of the sd Citty for the time being shall & may Determine all & all mannor of Accons or Causes whatsoever to be had moved or Depending between Party & Party so alwayes as the same Exceed not the Value of fforty Shillings Currtt Mony of this Province AND further for and on behalfe of his said Majesty his Heires and Successo's I Do Grant to the sd Mayor Aldermen & Comonalty of the said Citty & their Successors for ever that the Mayor Recorder and Aldermen of the said Citty shall alwayes bee so Long as they shall Continue in their sd Respective Offices Justices of the Peace for the said County and as such shall and may Sett in the Court of Sessions or County

Courts & Courts of Oyer & terminer that shall from time to time be held & kept within the sd County and that the Mayor Recorder or some one of the said Aldermen of the said Citty for the time being shall & may Alwayes Preside in or bee President of such County Courts or Courts of Sessions to be held within the sd County as aforesaid and that the Sherriffe of the said Citty for the time being shall alwayes bee Sherriffe of the said County also that the Towne Clerke of the sd Citty for the time being shall Allwayes bee Clerke of the Peace and Clerke of the Courts of Sessions or County Courts for the said County AND further I Do for and on behalfe of his said Majesty his Heires & Successors by these p'sents Grant to the said Mayor Aldermen and Comonalty of the sd Citty of Albany & their Successors that the said Mayor Aldermen & Comonalty of the sd Citty & their Successors shall have & Enjoye all the Privilidges ffranchizes & Powers that they have & use or that any of their Predecessors at any time within the Space of twenty Yeares last past had tooke or Enjoyed or ought to have had by Reason or under Pretence of any further Charter Grant Prescripcon or any other Right Custome or Usage Altho the same have been fforfeite or lost or hath been ill used or not used or abused or Discontinued Albeit they bee not Particularly menconed herein AND noe offner shall Disturb them therein under any Pretence whatsoever not only for their future butt their p'sent enjoymt thereof PROVIDED alwayes that the said Privilidges Franchizes and Powers bee not inconsistant with or Repugnant to the Laws of his Majestyes Kingdom of England or other the Laws of the Generall Assembly as aforesaid and Saveing to his Majtie his Heires Successors and Assignes and his Comanders in Cheife Leivts Governo's & other Officers under him or them in his ffortt Albany in or by the Citty of Albany and in all the Libertyes Boundaryes Extents and Privilidges thereof for the Maintainance of the sd ffortt & Garrison there all the Right use Title & Authority which his said Majesty or any of his sd Comanders in Cheife Leivts and other Officers have had used or Exercised there) Excepting the said Pasture here in before Granted or menconed to bee Granted to the said Mayor Aldermen & Comonalty of the Citty of Albany aforesd and Saveing to all other Persons Bodyes Politique and Corporate their Heires Successors and Assignes all such Right Title & Claime Possessions Rents Services Comons Emoluments and Interest of in and to any thing that is theirs save only the ffranchizes aforesd in as ample manner as if this Charter had not been made AND further I Do Appoint & Declare that the Incorporacon to bee founded by this Charter

shall not at any time hereafter Do or Suffer to be Don anything by meanes or of the Lands tenemts or Hariditamts Stock Goods or Chattles thereof or in the Hands Custody or Possession of any the Cittizens of the said Citty such as have been sett lett Given Granted or Collected to and for Pious & Charitable uses shall be Wasted or misimployed Contrary to the Trust or intent of the founder or Giver thereof AND that such and no other Construccon shall bee made thereof then that which may tend most to Advance RELIGION Justice and the Publick Good and to Suppresse all Acts and Contrivances to bee invented or Putt in use Contrary thereunto IN wittnesse whereof I have to these p'sents sett my Hand and thereto have Affixed the Seale of the said Province and Caused the Same to be Enrolled in the Secretaryes Office of the said Province this two & twentyeth Day of July in the Second Yeare of his said Majestyes Reigne and in the Yeare of our Lord 1686.

Thomas Dongan

COMMISSION OF SIR EDMUND ANDROS, 1688.

[A portion of the commission relating to the enactment of laws is printed here and was copied from Doc. Rel. to Col. Hist. of N. Y., III, p. 537. The original is in London, in records relating to New England, XXXIII, 381.]

James the Second by the Grace of God King of England, Scotland France and Ireland Defender of the Faith &c. To our trusty and welbeloved Sir Edmund Andros, Knight Greeting: Whereas by our Commission under our Great Seal of England bearing date the third day of June in the second year of our reign wee have constituted and appointed you to be our Captain Generall and Governor in Cheif in and over all that part of our territory and dominion of New England in America known by the names of our Colony of the Massachusetts Bay, our Colony of New Plymouth, our Provinces of New Hampshire and Main and the Narraganset Country or King's Province. And whereas since that time Wee have thought it necessary for our service and for the better protection and security of our subjects in those parts to join and annex to our said Government the neighboring Colonies of Road Island and Connecticutt, our Province of New York and East and West Jersey, with the territories thereunto belonging, as wee do hereby join annex and unite the same to our said government and dominion of New England.

* * * * * * *

And Wee do hereby give and grant unto you full power and authority, by and with the advice and consent of our said

Councill or the major part of them, to make constitute and ordain lawes statutes and ordinances for the public peace welfare and good governmt of our said territory & dominion and of the people and inhabitants thereof, and such others as shall resort thereto, and for the benefit of us, our heires and successors. Which said lawes statutes and ordinances are to be, as near as conveniently may be, agreeable to the lawes & statutes of this our kingdom of England:

Provided that all such lawes statutes and ordinances of what nature or duration soever, be within three months, or sooner, after the making of the same, transmitted unto Us, under our Seal of New England, for our allowance or disapprobation of them, as also duplicates thereof by the next conveyance.

* * * * * * *.

It Witness whereof Wee have caused these our letters to be made Patents. Witness our self at Westminister the seventh day of Aprill in the fourth year of our raign. [1688.]

By Writ of Privy Seal

Clerke.

INSTRUCTIONS FOR SIR EDMUND ANDROS, 1688.

[A portion of the instructions relating to the enactment of laws is printed here and was copied from Doc. Rel. to Col. Hist. of N. Y., III, p. 543. The original is in London, in records relating to New England, XXXIII, 392.]

Instructions to our trusty and welbeloved Sr Edmund Andros Knt our Captain Generall and Governor in Cheif in and over our Territory and Dominion of New England in America.

* * * * * * * * *

Our will and pleasure is that all lawes statutes and ordinances within our Territory and Dominion of New England aforesaid shall continue and be in full force and vigor, so farr forth as they do not in any wise contradict impeach or derogate from our said Commission Orders or instructions untill such time as with the advice and consent of the Councill you shall pass other lawes for the good government of our said Territory and Dominion, which you are to do with all convenient speed.

And Wee do further charge and require you to transmitt authentick copies under the public Seal, of all lawes statutes and ordinances which at any time shall be made and enacted within our said Territory and Dominion, unto Us as aforesaid and to our Committee for Trade and Plantations, within three months, or sooner, after their being enacted, together with duplicats thereof by the next conveyance, upon pain of our highest dis-

pleasure, and of the forfeiture of that years salary, wherein you shall at any time or upon any pretence whatsoever omit to send over the said lawes and ordinances as aforesaid, within the time above limited, as also of such other penalty as wee shall please to inflict.

And if any lawes statutes and ordinances made and enacted by you and our Councill, or by the Commander in Cheif and Councill of New England for the time being, shall at any time be disallowed and not approved, and so signified by Us, our Heires or successors, under our or their Sign manual and Signet, or by order of our or their Privy Councill unto you the said Sr Edmund Andros or the Commander in Cheif of our said Territory and Dominion for the time being; then such and so many of them as shall be so disallowed and not approved, shall from thence forth cease determine and become void.

And you are to observe in the passing of lawes that the Stile of enacting the same by the Governor and Council, be henceforth used and no other.

* * * * * * * * *

Given at our Court at Whitehall the 16th day of Aprill 1688, in the fourth year of our Reign.

By His Majesty's Command
Sunderland P.

GENERAL ASSEMBLY, HELD IN THE CITY OF NEW YORK.

First Session, April 24, 1690.

JACOB LEISLER, LIEUTENANT GOVERNOR.

[Mr. S. Van Cortlandt, in a letter to Sir Edmund Andros, dated May 19, 1690, stated that the Assembly held in April, passed the above entitled act and "that this is all that this wise assembly did." (Doc. Rel. to Col. Hist. of N. Y. III, p. 717.) The latter portion may have constituted a separate act. If so there were two acts passed at this session. The original of this act is not in the office of the Secretary of State and the Revision Commission has been unable to discover a copy elsewhere.]

An Act to raise throughout the whole gouvernment three pence in every pound reall and personall to be paid the first of June and that all townes and places should have equall freedom to boult and bake and to transport where they please directly to what place or country they think it fitt, anything their places afford, and that the one place should have no more privileges than the other.

[Passed, April, 1690.]

Second Session, September 15, 1690.

JACOB LEISLER, LIEUTENANT GOVERNOR.

[Lieutenant-Governor Leisler, in a letter to the Earl of Shrewsbury, dated October 20, 1690, states that the Assembly hath granted a tax of three pence per pound to be levied in January and March next. See Doc. Rel. to Col. Hist. of N. Y. III, p. 753. In a copy of an order of the Lieutenant-Governor requiring the election of assessors and collectors in pursuance of the act, dated Jan. 25, 1691, the title of the act is given as above, and the date of its passage as October 2d. See Doc. Hist. of N. Y., II, p. 181, by E. B. O'Callaghan. The original of this law is not in the office of the Secretary of State, and the Revision Commission has been unable to discover a copy elsewhere.]

An act for Raising Three pence in the Pound of all Reall and Personall visible Estate of all and singular the Inhabitance of this Province, one halfe thereof to be paid at or before the 21 January Then next Ensuing and the other halfe at or before the 25th of March next Ensuing & that Assessors and Collectors for executing of sd Act be chosen by the freholder of each Towne within this Province.

[Passed, October 2, 1690.]

[Copied from the original in the office of the Secretary of State.]

A bill for amending & fining all persons within this Province of New York refusing to Serve In Comission of Civil or Military Power within ye Province under his Maj'ties Lieu't Governor of the Province aforesaid & that none of ye Inhabitants of ye City & County of Albany & Ulster Leave or Depart the City or Countys aforesaid Without Spetiall lycense of the said Authority or Carry of or transport from Said places any Wares or Merchandises Except Such hereafter Exprest.

[Passed, October 4, 1690.]

WHEREAS his Maj'ties Espetiall Servic in ye Pr'sent Warr with the ffrench & their adherents requires that there be apointed Severall Officers Civill & Military for due Administering ye Lawes Pr'serving the Peace & Keeping the Inhabitants In a good Posture of Defence ag'st said Ennemys & that severall

persons might not refuse or be backward In Serving his said Maj'tie In any Employment Civill or Military Under the Commission of his said Maj'ties Lieu't Governor of s'd Province whereby his s'd Maj'ties Service & Safety of this Province might be much hindred & obstructed Bee it therefore Enacted & it Is hereby Enacted by the Gen'll Assembly & by ye Authority of ye Same That if any Person or Persons Chosen, nominated, Constituted, ordained or Comissionated by his s'd Maj'ties Lieu't Governor to serve In any Employment Civill or Military w'thin any of ye Countys of s'd Province & shall refuse to accept receive or Execute any Commission or Commissions unto him or them directed by the Said Lieu't Governor that then & in such Case ye Said persons or Persons be Amended & fined to Pay ye Sume of Seaventy five Pounds Curr't Money of this Province & by refusall thereof that the Same be forthwith Strained by Warr't from said Lieu't Governor on the goods &Chattles of Every Person or Persons so refusing to serve as aforesaid PROVIDED always & be it further Enacted that ye s'd fine so payd or Strained as aforesaid shall be aplied for his Maj'ties use In Suporting & defraying ye Charges of this Pr'sent Warr against ye ffrench and their adherents in ye City County or towne where the Same shall happen to be payd or Strained as aforesaid & be it further Enacted by the Authority aforesaid that all persons who shall Depart ye City & County of albany or County of Ulster being Inhabitants or ffreeholders Without Spetiall Lycense from the authority Comissionated by the Said Lieu't Governor shall forfeit & Pay the Sume of one hundred Pounds Curr't money to be Levyed on ye goods Chattles of Every person or persons so departing as aforesaid & for any such person whose Estate shall not amount to the Said Sume of one hundred Pounds that the s'd Persons be fined to ye Discrecion of ye Lieu't Governor & his Councel which Said Sume or fines are to be applyed to the use afore menconed & that no Wares Goods or Merchandises shall be brought downe hudsons River or Transported out sd City & Counties w'thout such lycense as aforesaid under Penalty of Confiscacon of ye Same & to be aplyed to ye use aforesaid Except Coine (after Sufficient Store left for the Militia & Inhabitants of ye s'd City & Counties) bevers & Peltry & other necessaries & be it further Enacted by the Authority aforesaid that all persons all ready departed from the Said City & County's to returne w'thin the time of fourteen dayes after Publicacon hereof (Except absolute necessity at their utmost Perills.

COMMISSION FOR HENRY SLOUGHTER, ESQUIRE, TO BE GOVERNOR OF NEW YORK.

[A portion of the commission relating to the enactment of laws is printed here and was copied from Doc. Rel. to Col. Hist. of N. Y., III, p. 623. The original is in London, in New York Entry, II, 204.]

William & Mary by the grace of God King and Queen of England, Scotland, France and Ireland Defenders of the Faith &c.

To our Trusty and welbeloved Henry Sloughter Esqre Greeting. Wee reposing especial trust and confidence in the Prudence courage and Loyalty of you the said Henry Sloughter, out of our especial Grace, certain knowledge and meer motion, and thought fit to constitute and appoint you the said Henry Sloughter, to be our Captain General and Governor in chief in and over our Province of New York, and the Territories depending thereon in America.

And We do hereby require and command you to do and execute all things in due manner that shall belong unto your said Command and the Trust we have reposed in you according to the severall Powers and Directions granted or appointed you by this present Comission and the Instructions herewith given you or by such further Powers, Instructions and Authoritys as shall at any time hereafter be granted or appointed you under our signet and sign Manual or by our order in our Privy Council & according to such reasonable Laws and Statutes as now are in force or hereafter shall be made and agreed upon by you with the advice and consent of the Council and Assembly of our said Province under your Government in such manner and Forme as is hereafter expressed.

* * * * * * * * *

And we do hereby give and grant unto you full power and authority with the advice and consent of our said councill from time to time as need shall require, to summon & call generall Assemblies of the Inhabitants being Freeholders within your Government, according to the usage of our other Plantations in America.

And our will and Pleasure is, that the persons thereupon duely elected by the Major part of the Freeholders of the respective Countys and places and so returned and having before their sitting taken the oaths appointed by Act of Parliament to be taken instead of the Oaths of Allegiance and Supremacy and the Test, which you shall commissionate fit persons under our seal of New York to administer, and without taking which, none shall be capable of sitting though elected, shall be called and held the General Assembly of that our Province and the Territories

there unto belonging And that you the said Henry Sloughter by and with the consent of our said Councill and Assembly or the major part of them, respectively have full power and authority to make constitute and ordaine Laws Statutes and ordinances for ye publique Peace, welfare and good Government of our said Province and of the people and Inhabitants thereof and such others as shall resort thereto & for the benefit of us our Heirs & Successors.

Which said Laws Statutes & Ordinances are to be (as near as may be) agreeable unto the Laws & Statutes of this our kingdome of England.

Provided that all such Laws, Statutes & Ordinances of what nature or Duration soever be within three months or sooner after the making thereof, transmitted unto us under our seal of New York for our Approbation or Disallowance of the same, As also Duplicats thereof by the next conveyance.

And in case any or all of them being not before confirmed by Us shall at any time be disallowed and not approved, and so signified by Us our Heires & Successors, under our or their Sign Manual and Signet or by order of our or their privy Council unto you the said Henry Sloughter or to the Commander in Chief of the said Province for ye time being, then such and so many of them as shall be soe disallowed and not approved shall from thenceforth cease determine and become utterly voyd and of none effect, anything to the contrary notwithstanding.

And to the end nothing may be passed or done by our said Councill or Assembly to the Prejudice of us our Heires and Successors, We will and ordaine that you the said Henry Sloughter, shall have and enjoy a negative voice in the making and passing of all Laws, Statutes and ordinances as aforesaid.

And that you shall and may likewise from time to time as you shall judge it necessary Adjourn Prorogue and Dissolve all General Assemblies as aforesaid.

* * * * * * * * *

At the Court at Whitehall the 14th of Nov 1689.

THE FIRST ASSEMBLY.

First Session.

(Begun April 9, 1691, 3 Wm & Mary, Henry Sloughter Governour.)

[CHAPTER 1.]

[Chapter 1, of Livingston & Smith and Van Schaack, where the first two paragraphs of the acts are printed. Printed in full in Fowler's Bradford, p. 1. First two paragraphs printed in full in Baskett, p. 1. The last clause of this act is repealed by ch. 145. For note in reference to this act, see Fowler's Bradford, p. CV. The act was confirmed by the King, May 11, 1697, see Fowler's Bradford, p. CXXXV.]

An Act for the Quieting and Setling the Disorders that have lately happened within this Province and for the Establishing and Securing their Majestyes present Goveenment against the like Disorders for the Future.

[Passed, May 6, 1691.]

FORASMUCH as the good and quiet, Case profit & benefit, and Advantage of the Inhabitants within this Province doth chiefly Consist in, and altogether rely and depend upon their bearing true faith and Allegiance unto their Majestyes Crown of England which is and can only be the Support and defence of this province. AND WHEREAS the late hasty and inconsiderate Violacon of the same by the setting up a power over their Majestyes Subjects without Authority from the Crown of England, hath vitiated and debauched the Minds of many people &c. and hath also brought great waste, trouble and Destrucon upon the good people of this province, Their Majestyes Loyall Subjects, For the prevention whereof in the time to come BEE IT THEREFORE ENACTED and ORDAINEd By the Governour and Council and Representatives mett in Generall Assembly. AND it is hereby Published Declared Enacted and Ordained by the Authority of the same That there can be noe power and authority held and Exercised over their Majestyes Subjects in This Their Province and Dominion but what must be derived from their Majestyes Their Heirs and Successours And Wee doe hereby Recognize and acknowledge That Their Majestyes, William and Mary are and as of Right they ought to be by the Laws of the Realme of England our Leige Lord and Lady King and Queen of England France and Ireland and the Dominions thereunto belonging &c. That thereby their princely persons are only invested with the right to Rule This their Dominion and province And That none ought

or can have power, upon any pretence whatsoever, to use or exercise any power over their Subjects in this Province, but by Their Immediate Authority under Their Broad seale of The Realme of England as now Established

AND BEE IT FURTHER ENACTED by the authority aforesaid That whatsoever person or persons shall by any manner of way or upon any pretence whatsoever Endeavour by force of arms or otherwise to disturbe the peace good and quiet of this their Majestyes Government as it is now Established shall be Deemed and Esteemed as Rebells and Traitors unto their Majestyes and incurr the pains penalties and forfeitures as the Laws of England hath for such Offences made and provided.

[CHAPTER 2.]

[Chapter 2, of Livingston & Smith and Van Schaack, where the act is printed in full. Printed in full in Fowler's Bradford, p. 6; Baskett, p. 5. For note in reference to this act, see Fowler's Bradford, p. CVII.]

An Act for the Setling, Quieting and Confirming unto the Cities, Towns, Mannors and ffreeholders within this Province, their several Grants, Pattents and Rights Respectively.

[Passed, May 6, 1691.]

FORASMUCH as the many changes, alterations and disturbances that have been lately given unto their Majesties Subjects Inhabiteing within this their Province, hath and doth very much discourage the Setling, improveing and the growth and strength thereof; AND that it is now absolutely necessary for the Quieting and satisfieing their Majesties good Subjects within the same; that the rights and priviledges formerly held by and granted, to the respective Cittys, Towns, Mannors and ffreeholders within this Province &c. should be now ratified and confirmed.

BE IT THEREFORE ENACTED by the Governour Councill and Representatives convened in General Assembly, And it is hereby enacted and declared by the Authority of the Same; That all the Charters, Pattents, Grants, made, given and granted, and well and truely executed under the seale of this Province, Constituted and Authorized by their late and present Majtys the Kings of England, and Registred in the Secretaryes office, unto the severall and respective Corporations of bodys politick of the Cittys Towns and Mannors, and alsoe to the severall and respective ffreeholders within this Province, are and shall for ever be deemed, esteemed and reputed good and effectual, Charters Patents and grants Authentick in the Law against their

Majesties their heires and Successors for ever notwithstanding of the want of formes in the Law or the Nonfeazence of any right priviledge or Custome which ought to have been done heretofore by the Constitutions and Directions contained in the respective Charters, pattents and grants aforesaid.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That all the Chartters Pattents grants, made given and granted as aforesaid, unto all and every the severall and respective Corporations, or bodyes politick of the Cittys Towns and mannors and their successors, and alsoe unto all and every the respective ffreeholders, their heires and assignes forever; within this Province, ARE to all intents and purposes whatsoever hereby ratified and confirmed To have hold exercise Occupy, Possess and Enjoy all their and every of their former rights Customes Prerogatives, priviledges preheminencies practises Immunityes Libertys, ffranchisses, Royaltyes and usages whatsoever, In as full and ample manner as if none of these Changes Alteracons, disturbances want of other forms in the Law; or the Nonfeazance of any rights, priviledges or Customs of any of the Corporations aforesaid, had never happened or been neglected any thing herein contained or in any other Law to the Contrary in any wise Notwithstanding PROVIDED that nothing herein contained shall be Construed or taken to barr any person or persons of his or their former and Just right or pretences to any house, tract or parcell of Land within this Province. ALLWAYES PROVIDED, that he or they that have any such Just right or pretence doe make his or their Claime within the space of five yeares; next after the Date hereof AND ALSOE PROVIDED that noething herein Contained shall be intended or Construed to the Prejudice or hindrance of the title or Claime of any Person under age Feme Covert, Non Compos Mentis, Imprisonment or beyond the seas.

[CHAPTER 3.]

[Chapter 3, of Livingston] Smith and Van Schaack, where the act is printed in full. Printed in full in Fowler's Bradford, p. 7; Baskett, p. 6. Confirmed by the King, May 11, 1697. (See Fowler's Bradford, p. CXXXV.) For note in reference to this act, see Fowler's Bradford, p. CVII.]

An Act for the Enableing each Respective Towne within this Province to Regulate their Fences and Highwayes and make Prudentiall Orders for their Peace and Orderly Improvements.

[Passed, May 6, 1691.]

WHEREAS the respective Towns within this Province &c. Are soe Circumstanced as to have different and distinct wayes in

their Improvements of Tillage and Pasturage; And that itt is altogether necessary that they may be qualified and made capable in the Law; to make such prudentiall rules and Orders for the better Improvement of their respective Towns, and the regulateing their ffences and Highwayes accordingly. BE IT THEREFORE ENACTED by the Governour and Councill and the representatives mett in Generall Assembly, and by the Authority of the same; That the ffreeholders of every respective Town within this Province are hereby Impowered and Authorized to meet and assemble themelves together at such times and places as are appointed and expressed In their respective grants and pattents, and when soe assembled to make, establish, constitute and ordaine from time to time such prudentiall orders and rules for the better improveing of their respective Lands in tillage pastureage or any other reasonable way as shall by the Majority of the ffreeholders, soe assembled or Convened as aforesaid be thought good and convenient. And alsoe when the ffreeholders of each respective Town within this Province &c Are Assembled as aforesaid; they are hereby further Authorized and Impowered to make Choice and Nominate in each of their respective Towns Annually and once every Yeare Three persons to be Survayors and orderers of the work for the laying out and the Amendment of the High-Wayes and fences within the bounds and Limitts of their respective Towns within this Province, which persons, soe nominated and Choosen shall take upon them the said office, and are hereby Impowered to lay out, sett forth, regulate and Amend all such highwayes and fences as shall be established in such manner form and way as shall be agreed upon and directed by the Majority of the ffreeholders of each of the respective Towns as aforesaid ALLWAYES PROVIDED that such orders as are made Constituted and ordained shall be kept and registered in the Towns book for that purpose And consented to, And Approved by the next Court of Sessions of peace in the Countyes where the respective Towns are Otherwise to be of noe force nor virtue whatsoever.

[CHAPTER 4.]

[Chapter 4, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Fowler's Bradford, p. 2. Title only is printed in Baskett, p. 8. The act expired May 6, 1693. For note in reference to this act, see Fowler's Bradford, p. CV.]

An Act for the Establishing Courts of Judicature for the Ease and benefitt of each respective Citty Town and County within this Province.

[Passed, May 6. 1691.]

Whereas the orderly Regulation and the Establishment of Courts of Justice throughout this Province as well in the

Respect of Time as place doth tend very much to the honor and Dignity of the Crowne as well as to the Ease and benefitt of the Subject. Be it Enacted by the Governour & Councill and Representatives Convened in Generall Assembly; And it is hereby enacted and Ordained by the Authority of the same That every Justice of the Peace that Resides within any Town or County within this Province are hereby fully Impowered & Authorized to have Cognizance of all Causes, Cases of Debt or Trespass to ye Value of Forty shillings or under; which Causes & Cases shall be heard Tryed & finally Determined without a Jury by every Justice of the peace, that resides within any Towne or County within this Province, he takeing unto his Assistance, at the Time of his hearing & Determining Such Causes or Cases of Debt and Trespass to the Value of forty Shillings and under, One of ye freeholders of the Towne & place where the Cause of Action Doth arise. The Process of Warning shall be by a Summons under ye hand of ye Justice Directed to the Constable of the Towne or Precinct, or any Deputed by him where the party Complained against doth live; which Summons being personally served or left at ye defendants house two dayes before ye Day of hearing of the plaint, shall be Sufficient Authority to and for ye said Justice assisted with one of the freeholders as aforesaid, to proceed on such Cause and Causes and Determine ye same in ye Defendants Absence. And to grant Execution thereon against the Defendants person or for want thereof his Estate which the Constable of the Towne or Precinct or his deputy shall and may serve. Allways Provided and be itt further enacted by ye Authority aforesaid, that if the Plaintiff or Defendant shall Desire a Jury it shall be allowed but at the proper Cost & Charges of the Person Desiring ye same. And for the Increase of Virtue and the Discouraging of Evil-doers through out this Province. Be it further Enacted by the Authority aforesaid, That there shall be held and kept in every Respective City & County within this Province att ye times and places hereafter named & Expressed A Court of sessions of the Peace That is to say, For the City & County of New York at ye City hall of ye said City, four times every yeare Vizt ye first Tuesday in May, the first Tuesday in August ye first Tuesday in November & the first Tuesday in February; for ye City & County of Albany at ye Citty hall of the said Citty, the first Tuesday in June, the first Tuesday in October & the first Tuesday in February; for West Chester att West Chester the first Tuesday in June, and the first Tuesday in December; for Ulster at Kingstone the first

Tuesday in September & the first Tuesday in March for the County of Richmond at ye Court house the first Tuesday in September, & ye first Tuesday in March, The Kings County at Flatbush (alias Midwout) the second Tuesday in May & ye second Tuesday in November Or Queens County at Jamaica, the Third Tuesday in May & the Third Tuesday in September; Suffolk att Southould the Last Tuesday in September and the Last Tuesday in March att Southampton. Orange County to be annexed to the County of New Yorke And Dutchess County to ye County of Ulster. Which sessions of the peace shall only hold and Continue for the space and Time of two dayes & No Longer. And for the more Regular and beneficiall Distribution of Justice to the Inhabitants of each Respective City and County within this Province Be it further enacted by ye Authority aforesaid; that there be kept and held a Court of Common Pleas in each Respective Citty and County within this Province att the Times & places hereafter named and Expressed, That is to say, att such places in each respective County as the said Court of sessions are to be kept; and to begin the Next day after the sessions Terminates and only to hold and Continue for the space and time of two Dayes; and noe Longer. And that there be one Judge with three Justices in each County appointed & Comissionated to hold the same Court of Pleas three whereof to be a Quorum And that the severall and Respective Courts hereby Established shall have Jurisdiction to hear Try and finally to Determine All actions or Cause of Actions, And all matters and Things and Causes Tryable att the Comon Law of what Nature or kind soever. Provided always And it is hereby enacted That there shall not be any Appeale or Removall by habeas Corpus, of any Person or of any Action or suite, or of any Judgement or Execution that shall be Determined in this Court to the Value of Twenty pounds or under anything herein Contained to the Contrary in any wayes notwithstanding. Provided alwayes and it is hereby enacted That the Courts of the Mayor & Aldermen of ye Respective Cittyes of New Yorke & Albany shall have in each of their Respective Cittyes the power and Authorityes to hear Try and finally to determine all such actions & Suites, as is Comonly Cognizable before them from which finall Determination there shall not bee any Appeale or Removall by habeas Corpus of any person or of any Action or suite or of any Judgement or Execution to the Value of Twenty pounds or under Anything herein Contained to the Contrary in any wayes Notwithstanding. To which Respective Court of Comon

Pleas there shall belong & be appointed & Comissionated for that purpose one Clerke of the Court to draw Enter and keep the Records, Declarations Pleas, Judgements there to be had and Made, And One Marshall or Cryer of ye Court to call the Jurors & proclaime the Comands & Orders of ye said Court. And for the more Regular proceedings in ye said Court, all processes and Writts of what nature soever for the Comand of persons to appeare and to execute the Judgements & Executions of the Respective Courts aforesaid shall be directed to the Respective Sherriffes of each Citty & County within this Province & executed by them, their under Sheriffes or Deputy or Deputyes. And all processes & Writts for Actions betwixt Party & party in the said Court shall Issue out of ye Office of the Clerke of the Court in Each Citty and County respectively signed P Curiam. And that their Majestyes subjects Inhabiting within this province may have all the good proper and Just wayes & meanes for ye securing and Recovering their Just Rights and Demands within the same, Be it further enacted, And itt is hereby enacted and ordained, by the Authority aforesaid that there shall be held and kept a Supreame Court of Judicature, which shall be Duely & Constantly kept att the Citty of New Yorke and not Elsewhere, att the severall & Respective times hereafter mentioned. And that there be five Justices att Least appointed & Comissionated to hold the same Court, two whereof together with one Chief Justice to be a Quorum. Which Supream Court are hereby fully Impowered and Authorized to have Cognizance, of all pleas, Civill Criminall, and Mixt, as fully & amply to all Intents & purposes whatsoever, as the Courts of Kings Bench, Comon Pleas, & Exchequer within their Majestyes Kingdome of England, have or ought to have, In & to which Supreame Court, all & every person & persons whatsoever shall or may if they shall soe see meet, Commence, or remove any Action, or suite the Death or Damage Laid in such Action or suit being upward of Twenty pounds And not otherwise, or shall or may, by Warrant, Writt of Error, or Certiorari, Remove out of any of the Respective Courts of Mayor &Aldermen Sessions and Comon Pleas any Judgement Information or Indictment, there had or depending & may Correct Errors in Judgment, or Reverse the same, if there be just cause. PROVIDED always, That the Judgement removed shall be upwards of the Value of twenty Pounds. Alwayes PROVIDED, and be it further ENACTED by the Authority aforesaid, this Supream Court Shall be Duely and Constantly kept, once every Six Months, and noe oftener, that is to say on the first Tuesday of October, and on the first Tuesday

of Aprill Annually, and every yeare, att the Citty hall of the said Citty of New Yorke PROVIDED they shall not sitt Longer then Eight Dayes. AND BE IT FURTHER ENACTED by the Authority aforesaid, that itt shall not be Lawfull for any person or Persons whatsoever appointed, elected, or Comissionated to be A Justice or Judge of the aforesaid Courts to Execute or officiate, his or their said place, or Office, untill such time he or they shall Respectively take the Oaths appointed by Act of Parliament, to be Taken in stead of the Oathes of Allegiance & Supremacy and subscribe the Test in Open Court. AND BE IT FURTHER ENACTED by the Authority aforesaid that all and every of the Justices or Judges of the severall Courts before-mentioned be and are hereby sufficiently Impowered, to make, order, and Establish, all such Rules and Orders for the more orderly practizeing & proceeding in their said Courts, as fully and amply to all intents and purposes whatsoever as all or any of the said Judges of the severall Courts of the Kings Bench, Comon Pleas & Exchequer in England Legally doe. PROVIDED alwayes, and be it further ENACTED by the Authority aforesaid that no Persons Right or property shall be by any of the aforesaid Courts Determined, except where matters of Fact, are Either acknowledged by the Partyes or Judgement be acknowledged or passeth by the Defendants faults for want of Plea or Answer, unless the fact be found by the verdict of Twelve Men of the Neighbourhood, as itt ought of Right to be Done by the Law. BE IT FURTHER ENACTED by the Authority aforesaid that there shall be a Court of Chancery within this Province which said Court shall have power to hear and Determine all matters of Equity, and shall be Esteemed & accounted the High Court of Chancery of this Province: AND BE IT FURTHER ENACTED by the authority aforesaid, that the Governour & Councill be the said High Court of Chancery, and hold and keep the said Court; And that the Governour may Depute, Nominate & Appoint in his Stead A Chancelor, and be assisted with such other Persons of the Councill as shall by him be thought fitt and Convenient, together with all Necessary officers, Clerks, and Registers as to the said High Court of Chancery are needfull. PROVIDED allwayes and itt is hereby further ENACTED by the Authority aforesaid, That any Freeholders, Planter, Inhabitant or Sojourner within this Province, may have Liberty if he or they see meet, to make his or their Appeale or Appeales, from any Judgement obtained against him or them in Case of Error, in the severall Courts aforesaid, in such manner and forme as is hereafter Expressed, That is to say, From the Courts of Mayor & Aldermen and Courts of Comon Pleas, to the Supream Court,

for any Judgement above the Value of Twenty Pounds. And from the Supreame Court at New Yorke to ye Governour & Councill for any Judgement above the Value of one hundred pounds; And from the Governour & Councill to their Majestyes in Councill for any decree or Judgement above the Value of three hundred pounds, as in their Majestyes Letters Pattents to his Excellency, Doth and may more fully appeare. ALWAYES PROVIDED that the Party or Partyes soe appealing, shall first pay all Costs of such Judgement or Decree from which the appeale ariseth. And enter into Recognizance with two sufficient Suretyes for Double the Value of the Debt, Matter, or thing recovered or obtained, by Judgement or Decree against him or them to the said Court from which they Appeale that they will prosecute the said Appeale or Appeales with Effect, and make Returne, thereof within Twelve Months after the said Appeale or Appeales here made; And if Default happen thereon then Execution to Issue out upon the Judgement against the party or their Suretyes, in course without any Scire facias. PROVIDED alwayes that the Establishing of those Courts, shall not be or remaine Longer in force, then for the time & space of Two Years, and untill the End of the sitting of the next Assembly after the Expiration of the Said Two Years.

[CHAPTER 5.]

[Chapter 5, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Fowler's Bradford, p. 10. Title only printed in Baskett, p. 8. Defects in this act were supplied by ch. 95. The act was repealed by ch. 114. For note in reference to this act, see Fowler's Bradford, p. CIX.]

An Act for settling the Militia

[Passed, May 6, 1691.]

WHEREAS the present State and Condition of this Province Doth of necessity require That the Inhabitants thereof Should be well armed and Trained up in Art military as well for the honour and service of Their Most Excellent Majestyes as the preservation of their own lives and fortunes BEE IT ENACTED AND ORDAINED By the Governour and Council and Representatives Convened in Generall Assembly, and It is hereby ENACTED and Ordained By the authority of the Same That noe person whatsoever from fifteen to Sixty years of Age remaine unlisted by themselves or masters mistresses or imployers under the Captains in the respective places of their abode in foot or horse the space of one Calendar month after

their arrivall or Coming to reside or sojourne in any place within this Province, on penalty of twenty Shillings and soe for every month Such person Shall remaine unlisted and that every foot Soldier be provided with a well fixed muskett or fuzee (or if the Officer Soe appoint with a good pike or Sword or Lance and pistoll Each musketteer Six charges of powder and one Cartouch box and so shall appeare when and where appointed upon penalty of five shillings for his Default in not appearing and three shillings for want of each Charge of powder gunn pike Sword pistoll or Cartouch box so as the whole penalty for any person at one time exceed not tenn shillings and That every Soldier belonging To the horse Shall when and where Commanded appear and be provided with a good Serviceable horse of his Own Covered with a good Saddle with holsters breast plate and crupper and a Case of good pistolls hanger Sword or rapier and halfe pound of powder with twelve Serviceable bulletts on penalty of Tenn Shillings for each times absence and five Shillings for default of each of the particulers abovementioned soe as the whole penalty for one time Exceed not fifteen Shillings And that every foot Souldier Shall have att his habitation and abode one pound of good powder and three pound of Sizeable bulletts and every Tropper have at his usuall place of abode a well fixed Carabine with belt and Swivell and two pounds of fine powder with Six pounds of Sizeable bulletts on penalty of Tenn Shillings for each default and that each of them Shall bring the same into field when Commanded upon penalty of answering the same at a Court Martiall And for the Supply of the Troops of horse in the Cittyes of New Yorke and Albany and the County of Ulster It shall be in the power of the Collonell or Cheife Officer of the Militia of the Citty of New Yorke County of Albany County of Ulster for the time being whensoever any of the said Troops shall not Compleate the number of fifty to present double the number insteade of such as are dead removed or wanting out of the principall Inhabitants and Gentlemen of the Respective Cittyes or Countyes aforesaid unto the Governour for the time being who from time to time may list and order so many of them to be of the said Respective Troops as may Compleate the number of fifty for their Majestyes service and the security of this Province And every person so Presented to the Governour for the time being and by him listed and Ordered to be of the said respective Troops Shall be and are hereby obliged to serve in the said Respective Troops upon the penalty of five pounds PROVIDED nevertheless That noe Clause herein be Construed to

extend to force or Compell any person That hath or shall be in Commission in this Province to list themselves in any Company or Troop or to serve in any Capacity beneath the former Commission unlesse such person hath been degraded by a Court Martiall AND IT IS FURTHER ENACTED by the authority aforesaid That noe person soe listed as aforesd shall depart thence without a discharge from the Commander of the Company or Troop where listed on penalty of Twenty Shillings And That noe Commander of any Company or Troop shall refuse when desired to give a discharge in writing to any that is removing his abode out of the precincts or province under the penalty of five pounds AND WHEREAS att the Citty of New yorke guards and watches are every night sett and appointed BE IT THEREFORE ENACTED and declared by the authority aforesaid That it shall and may be lawfull for any person or persons listed in the Regiment of the Citty and County of New yorke (Except on Extraordinary Occasions) to put a well armed man in their room who if approved off by the Captaine of the guard Shall excuse his or their absence PROVIDED allwayes That the Commission Officers and Serjeants of the respective Companyes be obliged in Their respective turns to Mount the guard in their proper persons And That noe person shall refuse to be a Serjeant Corporall or Drummer in the Company wherein he is listed under the penalty of two pounds AND BEE IT FURTHER ENACTED and Ordained by the authority aforesaid That all Captains of Companyes of foot or Troops of horse shall within twelve months from and after the publication of this Act Provide for Their Companyes and Troops Drumms and Collours Trumpetts Trumpeters and Banners att the propper Charge of the respective Officers Troops and Companyes under the penalty of Tenn pounds and soe for every four months Such Commanders shall remaine unprovided. And That all the Collonells of the respective Regiments or next Cheife Officer in Their absence shall once every yeare at the least issue out their warrant To their Inferiour Officers Commanding them to make diligent Search and Inquiry in Their Severall precints That all be duly listed armed and Equipped and to returne to them such defects as shall be found to the end the Same may be reformed on penalty of twenty pounds and that once every three months or oftener as Occasion shall require and Command be given by the Captaine Generall or Commander in Cheife the Severall Companyes and Troops in each Regiment Shall meet att the next and most Convenient places to be appointed by their respective Officers to be then and there by them mustered and Exercised AND IT IS hereby ENACTED and ordain'd by the

authority aforesaid That during the time the Said Officers and Soldiers are in arms they Shall observe and Keep all and every of the Laws and Articles of warr and give all due obedience to their Superiour Officers which Laws and Articles the Captaine Generall or Commander in Cheife with advice of a Generall Council of warr is to make and Establish And the Commanders of the severall Regiments to give out Copyes of the said Articles unto their respective Officers that the Same may be publickly read once every three months unto the Soldiers whilst they are in arms that all persons may the better know and observe their Duty, and if it shall happen That any of the Officers or Soldiers shall when they are out of arms endeavour to take revenge by force for any thing his or their Superiour Officers lawfully did in pursuance of his or their duty and This Act The Said Officers and Soldiers shall be brought to a Court Martiall and there punished as if the Offence had been done in time of service or Exercise. PROVIDED That the Said punishment doe not extend to life or limb and BEE IT FURTHER ENACTED By the authority aforesaid That once every yeare or oftner if thereunto Commanded each particular Captaine shall give to his feild Officer and the feild Officer to the Captaine Generall or Commander in Cheife fair written rolls of their respective Companyes and Regiments and if any feild Officer Captaine or other inferiour Officer or souldier shall neglect or Contemne performing the Lawfull Commands of their respective Superiour Officers he or they shall be punished by fine Casheering or other punishment according to the discretion of a Court Martiall which the Captaine Generall or the Commander in Cheife is to appoint and Establish AND the orders of the said Court Martiall are hereby declared to be binding in all Military affairs And if any person upon any invasion or other publick military service be wounded or disabled he shall be cured and maintained out of the Publick Revenue And if any person whatsoever shall be sued molested or impleaded for any thing lawfully Commanded in the Execution and pursuance of this present Act he shall plead the generall issue and give this act in Evidence and shall thereupon if found for him recover Costs of suite and triple damages PROVIDED alwayes and IT IS HEREBY ENACTED and declared by the authority aforesaid That the severall fines and forfeitures mentioned in this Act shall be recovered and disposed of as followeth Vizt. That all such as Doe relate to any person under the degree of a Captaine shall be to the respective Captains to defray the CHARGE of their Companyes or Troops and to be levyed before the next Exer-

cising day By distresse and Sale of the Offenders goods by the Captains warrant to the Sergeant or Corporall And if no distresse be found the punishment to be by rideing the wooden horse or being tyed neck and heels not exceeding an hour att the discretion of their Officers but if the Offender be a servant the Owners Goods shall be lyable to the distresses and sale as aforesaid So that Satisfaction may be made And for all other penaltyes mentioned in this Act the Same shall be levyed by distresse and sale of the Offenders goods and Chattells by the Provost Marschall by warrant from the Captaine Generall or Commander in Cheife or the Cheife feild Officer where such Offenders are One half thereof shall be unto the Captaine Generall and the other halfe unto the said feild Officer of that Regiment where the Offence is Committed And if the fines that doe relate to any person under the degree of a Captaine shall not amount unto a sume sufficient to defray the Charge of the Captains Companyes or Troops That then the overplus wanting be levyed upon the severall soldiers equally by warrant or order of Collonell or Cheife Officer of the Regiment Troops or Companyes and BEE IT FURTHER ENACTED by the authority aforesaid that It shall and may be lawfull for any Commission Officer belonging to the Regiment of the Citty of New yorke under the degree of a Captaine in the absence of the Said Captaine to grant Warrants of distresse against any persons whatsoever that shall absent themselves from their duty on the night guards without Sending a Sufficient person to serve and watch in their steade which said warrants soe granted shall be as effectuall to all intents and purposes whatsoever as if they or any of them had beene granted by the Captains themselves PROVIDED allwayes and it is hereby further Enacted and Declared by the Authority aforesaid That nothing in this Act Contained be expounded Construed or understood to Diminish alter or abridge the power of the Captaine Generall or Commander in Cheife for the time being but that in all things and upon all Occasions he may act as fully and freely as Captaine Generall and Commander in Cheife to all intents and purposes as if this Act had never been made Any thing in this Act to the Contrary notwithstanding AND IT IS FURTHER ENACTED by the Authority aforesaid That all persons listed as aforesaid Shall readily attend and serve on the watches when appointed under the penalty of three Shillings for each default AND IT IS alsoe further ENACTED by the Authority aforesaid That noe person whatsoever presume to fire any small arms after Eight of the Clock at

night unlesse in case of any alarm Insurrection or any other lawfull Occation And in either of the said Cases four musketts or small arms distinctly fired or where great gunns are The firing of One great gunn and Two musketts or small arms distinctly and beating of Drumm shall be taken for an alarme And every person That shall neglect his duty in taking and giving forward an alarm by firing as aforesaid, or shall be guilty of firing any Small arms after Eight of the clock att night unlesse as aforesaid Shall be fined or otherwise punished att the discretion of a Court Martiall not extending to life or limb and in case of such alarm every Souldier is immediately to repair armed to his Colours or Court of Guard upon the penalty of five pounds and for the better prevention of false alarms That noe Captaine Master or Commander of any Shipp or Vessell rideing at Anchor in any the harbours Ports or bayes within this Province or any other person fire any gunn after Eight of the Clock att night under penalty of forty Shillings for every gunn so fired to be levyed by warrant from the Cheife Officer not under the degree of a Captaine who is hereby impowered to Administer an oath and give Judgement thereupon by Distresse or sale of the Offenders goods and for want of distresse the Said Cheife Officer Is hereby impowered to Committ such Offenders to the goale there to remain untill payment be made of the same and that in Case the said Cheife Officer shall not perform his duty therein he shall forfeite tenn pounds to be levyed by warrant from the Captaine Generall or Commander in Cheife for the time being PROVIDED allwayes that this Clause shall in noe ways Concerne or Extend to any Captaine or Officer of any of his Majestyes shipps of warr for their firing att setting of the watch PROVIDED allwayes and it is hereby further Enacted and declared by the Authority aforesaid That all Trumpeters and drummers lately in Service or that shall by the severall Captains be put into That service during the Captains pleasure shall serve upon the Sallary of fourty Shillings per annum for a Trumpeter and Twenty shillings per annum for a Drummer finding their Trumpett and drumm And Twenty Shillings for a Trumpeter and tenne Shillings for a Drummer if the Captaine finde them upon penalty of forty Shillings PROVIDED allwayes and it is hereby Enacted and Declared That all the members of their Majestyes Council Justices of the peace sherriffes Coroners and all Officers of Courts Ministers Schoolmasters Physicians and Cheirurgeons shall be freed from being listed in any Troop or Company within this Province any thing contained herein to the Contrary in any wise notwithstanding.

[CHAPTER 6.]

[Chapter 6, of Livingston & Smith and Van Schaack, where the portion of the act in relation to vagabonds is printed. Printed, in full, in Fowler's Bradford, p. 8; Baskett, p. 6. All of this act except the portion relating to vagabonds, was repealed by ch. 96, and was explained by ch. 133. For note in reference to this act, see Fowler's Bradford, p. CVIII.]

An Act for the defraying of the Publique and necessary charge throughout this Province and maintaining the poor and preventing Vagabonds.

[Passed, May 13, 1691.]

Forasmuch as it is necessary that each respective County within this Province should have power to establish a Rate for the defraying of their respective and publique Charge, Be it therefore Enacted by the Governour and Councill and representatives convened in Generall Assembly and by the authority of the same that there be elected and Chosen annually and once A yeare in each respective Towne within this Province; two freeholders who are hereby impowered to assess and establish a certaine Rate upon each of the ffreeholders and inhabitants within their respective Townes which assessment or certaine rate shall upon a certaine day as the Inhabitants of the respective Towns shall appoint be delivered to a certaine ffreeholder which shall be likewise Chosen in each respective Town aforesaid to supervise and examine the publique and necessary charge of each respective County which person soe duely Chosen shall elect and constitute A certaine treasurer for each respective county which treasurer shall make such payments for the defraying of all the publique and necessary charges of each respective County as shall be appointed and ordered by the persons soe choosen for the superviseing the publique Charges of each respective County. And Be it further Provided by the authority aforesaid, that any such assessment or Rate made ordained or appointed by the persons soe Choosen shall be collected and gathered by the Constable or any other person chooson or Appointed thereunto. As alsoe if any person or persons shall refuse to pay the said Assessment or rate, That itt may be Lawfull for them, that are Choosen as aforesaid. And they are hereby authorized to Issue out their Warrant to the Constable under their hands and seales, or any other person appointed by them to collect and Levy the same by distress on their goods and Chattles. And Be it further Enacted by the Authority aforesaid. That the Treasurer for each respective

County within this Province shall keep A distinct Book of Accompts containeing A perticular accot of all the money Rates and assessments aforesaid, And alsoe of all disbursements and payments by Warrant aforesaid and once every yeare he shall bring his accots to such person as shall be appointed for the audit of the same under the penalty of One hundred pounds, except prevented by Death or Sickness, And further Whereas it is the Custom and practice of their Majesties Realm of England; and all the adjacent Colloneys in America that every respective Towne and parish doth take care and provide for the poor, who doe inhabitte in their respective precincts as aforesaid. Therefore it is Enacted by the authoritie aforesaid that for the time to come, that the respective ffreeholders, Elected and choosen as aforesaid In every Town parish and precinct shall make provision for the maintenance and support of their poor respectively. And for the prevention and discouragement of Vagabonds and Idle persons to come into this Province from other parts and alsoe from one part of the Province to another: Be it Enacted by the Authority aforesaid that all persons that shall come to Inhabit within this Province, or any part or place thereof and hath not A visible Estate, or hath not A manuall occupation shall before he be admitted an Inhabitant give sufficient suerty, that he shall not be A burden or Charge to the respective places, he shall come to Inhabite, which security shall continue for two yeares Provided allwayes that all those that have Manuall Crafts or occupations May at all times come and Inhabite in any place within this Province and be allwayes admitted. Provided he maketh application within eight dayes after his arrival in any Citty Town or County as aforesaid unto such person or persons as are appointed for governing the respective parts. And alsoe all vessells that shall bring any passengers Into this Province; the masters of such Vessells shall within four and Twenty hours after Arrivall bring a list of all such passengers he brings into this Province with the qualitie and Conditions unto the cheif Magistrates of each respective Citty Town or County as aforesaid, under the penalty of tenn pounds currant money of this Province. Alwayes Provided that if any vessell bring in any person as aforesaid not able to give suerty for their well demeanour That then and in such Case, that the master of such Vessell or Vessells shall be oblidged to transport all such to the place from whence they came or at least out of this Province, and dependencies. And alsoe if any Vagabonds, beggars, or others remove from one town to another and cannot give security as aforesaid it shall be lawfull for the constable to return such persons to the town from whence they came.

[CHAPTER 7.]

[Chapter 7, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Fowler's Bradford, p. 19. Title only printed in Baskett, p. 8. The act was repealed by ch. 99. For note in reference to this act, see Fowler's Bradford, p. CXV.]

An Act for the Allowance to the Representatives.

[Passed, May 13, 1691.]

Whereas the Severall Representatives of the Assembly cannot Officiate & Discharge that honourable and Great Trust reposed in them without being att great Charge & Expence. BE IT THEREFORE ENACTED by the Governour & Councill & Representatives Convened in Generall Assembly AND ITT IS HEREBY ENACTED by the Authority of the same, That the Wages or Allowance to each Representative of the People shall be Tenn Shillings Currant money of this Province pr Diem to Commence from their Comeing out till their Returne home ALWAYES PROVIDED it shall not exceed Eight dayes before the meeting of the Assembly, and Eight Dayes after the adjourning, prorogueing or Dissolving of the same. AND BE ITT FURTHER ENACTED by the Authority aforesaid that each Respective Citty and County throughout this Province shall bear and Defray the Charge of their own Representatives, which Charge or Allowance as aforesaid shall be paid to the respective Representatives by the Treasurer of Each respective Citty and County by Warrant under the hand and seale of the Mayor of the respective Cittyes for the time being and by warrant of any two of the Justices of the Peace to the Treasurer of the respective Countyes within Tenn dayes after the returne of the said Representatives from the Assembly.

[CHAPTER 8.]

[Chapter 8, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Fowler's Bradford, p. 27. Title only printed in Baskett, p. 8. The act expired May 13, 1692. For note in reference to this act see Fowler's Bradford, p. CXVII.]

An Act for the Raising and Levying of two Thousand pounds for paying and defraying the Incidentall charges, according to establishment of one hundred fusileers with their officers for one whole Yeare.

[Passed, May 13, 1691.]

For the secureing the Frontiers of this Province in the County of Albany it is thought convenient that his Excellency the Captaine Generall Doe Raise one Company to Consist of One

hundred fusileers with their proper officers which shall remaine in the said County for the Defence thereof one whole Yeare to Commence on the Eight and Twentith day of March now last past. BE IT THEREFORE Enacted by the Governour and Councill and representatives Convened in generall assembly and it is hereby Enacted by the Authority of the same. That a Levy of two Thousand pounds Currant money of this Province be laid assessed, Raised and Levyed upon all and every of the Inhabitants. Residents and freeholders of and in this Province for the paying and defraying the Incidentall Charges of the said Company of fusileers and their officers for one whole Yeare as aforesaid, and for noe other use Intent or purpose whatsoever; to be laid assessed, Raised levyed and pay'd unto their Majesties Collector and receiver generall for the time being att their Majesties Custom house in the Citty of New York at the times hereafter mentioned, that is to say one half or Moytie of the said two Thousand pound at or before the five and twentyth day of July now next ensueing And the other Moytie or half part at or before the five and twentith day of March which shall bee in the Yeare of our Lord One Thousand six hundred nintie and two according to the rates and proportions following that is to say for the Citty and County of New York four hundred pound for the Citty and County of Albany one hundred and eighty pounds for the County of West Chester one hundred and forty pounds for the County of Richmond one hundred and Twenty pounds, for the County of Ulster and Dutchess County two hundred and fifty pounds for the County of Suffolk Three hundred and fifty pounds for Kings-County two hundred and sixty pounds for Queens County Two hundred and sixty pounds for the County of Orange fifteen pounds for Dukes County five and Twenty pounds and be it further Enacted by the Authority aforesaid that for the better Assessing Raiseing and paying the summe of two Thousand pounds aforesaid the Mayor and Aldermen within the Citty of New York the Mayor and Aldermen of the Citty of Albany with the Justices of the peace for the Citty and County of Albany for the time being and the Justices of the peace for the time being for the severall and respective Countyes aforesaid for the severall Countys respectively for the which they shall be Justices of the peace doe forthwith upon the publication hereof assemble and meet together in the Court houses for the severall respective Cittys and Countys, or such other place or places as they shall agree upon amongst themselves and shall there order that the assessors and Collectors for the severall and respective Cittys Towns Mannors And libertys within their several Jurisdictions for the

assessing Collecting and receiving of the Publique rates for the defraying the publique and necesssary Charge of each respective Citty and County aforesaid be the Assessors and Collectors for the assessing Colecting and receiving the Summ or Summs of money herein before mentioned according to the proportions before expressed as to the said Mayors Aldermen and Justices shall seem meet and reasonable BE IT further Enacted by the Authority aforesaid That the said Mayor Aldermen Justices of the peace for the respective Cittys and Countys Mannors and Jurisdictions have and shall have Power and Authority by vertue of this Act, each of them by himself to administer an oath to the said Assessors; well truely and equally and according to their best understanding to assess and rate the Inhabitants residents and freeholders of the respective places for the which they shall be Chosen assessors. AND BE IT FURTHER ENACTED By the Authority aforesaid that if any person or persons who shall be Chosen assessors or collectors shall deny, neglect or refuse to take oath as aforesaid or shall in any wayes deny neglect or refuse to make such Assessment as by this Act is required, or shall deny neglect or refuse to Collect any Sume or sumes of money in form before mentioned assessed that then and in such case it shall and may be Lawfull, for any two of their Majesties Justices of the peace of the County where such offender shall happen to dwell or reside and who by virtue of this Act are required and Impowered to doe the same by warrant under their hands and seales to Commit Such assessor or assessors Collector or Collectors soe deneying, refuiseing OR neglecting to the Common Goale there to remain without Baile or mainprise till he or they shall make fine and Ransome to their Majesties for such Contempt as above said And be itt further enacted by the Authority aforesaid That if any person or persons of what degree or Qualitie soever he or they be within the Province who shall be Assessed or Rated any Sume or sumes of money by vertue of this Act to be raised and Levyed shall deny refuise or delay to pay and satisfie the same That then it shall and may be Lawfull for any such Collector by virtue of A warrant from under the hand and seale of any Justice of the peace for the Citty and County where such offenders shall dwell or reside who by virtue of this Act are required and Authorized to grant and Issue forth such warrant to Levy the same by distress and sale of such person and persons goods and Chatles returneing the overplus of such goods and Chatles to the owner of the Sume assessed and Charges of distress and

sale being first deducted. If any such overplus shall happen to be And alsoe Be it further enacted by the authority aforesaid that if any Mayor Alderman or Justice of the peace within this province who are hereby required Empowered and Authorized to take effectuall care, that this Act and every Article and clause therein be duly Executed according to the true and Genuine sence and Intent thereof shall Deny refuise neglect or delay to doe performe fullfill and execute all and every or any the dutyes powers and authority by this Act required and Impowered by him or them to be done performed fullfilled and Executed and shall thereof be Lawfully Convicted before any of their Majesties Courts of Record within this Province; he or they shall Suffer such paine by fine Imprisonment as by the discretion of the Justices of the said Courts shall be adjudged. And be it further Enacted by the Authority aforesaid That if any Action bill plaint or Information shall be brought moved or presented at any time hereafter against any person or persons for any matter Cause or thing done or Acted in pursuance or Execution of this Act such person or persons soe sued or presented in any Court whatsoever shall and may plead the generall Issue not Guilty and upon any Issue Joyned may give this Act and the speciall matter in evidence and if the plaintiff or prosecutor shall be nonsuited or forbeare further prosecution or suffer discontinuance or verdict to pass against him the defendant and defenders shall recover their trible Costs for which they shall have like Liberty as in any Case where Costs by the Law are given to Defendants Provided allwayes That noe Mayor Alderman or Justice of the peace shall be troubled sued prosecuted or Molested for any omission offence or neglect by virtue of the Act but within the space of one yeare after such omission offence or neglect and not at any time hereafter any thing herein Contained to the Contrary in any wise notwithstanding.

[CHAPTER 9.]

[Chapter 9, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Fowler's Bradford, p. 20. Title only printed in Baskett, p. 8. The act expired May 13, 1694. For note in reference to this act, see Fowler's Bradford, p. CXV.]

An Act to Enable the Citty & County of Albany to Defray their necessary Charge.

[Passed, May 13, 1691.]

Forasmuch as the Inhabitants of the Citty & County of Albany have been During the Time of the Late Disorders very much aggrieved, wasted, Distroyed & impoverished by ye incursions

of the French their Majesties Declared Enemyes, and that it is absolutely necessary that some suitable and Convenient way should be found out for their Relief and most easy defraying the necessary Charge of that Citty & County. BE IT THEREFORE ENACTED by the Governour & Councill & Representatives Convened in Generall Assembly AND IT IS HEREBY ENACTED by the Authority of the same that the Imposition or rate of two pr Cent, shall be Raised & Levyed upon all Indian Goods that are brought up to that City & County of Albany and there solde & Consumed and also that the Impost of three pence be Raised & Levied upon each Gallon of Rum that is sold & Consumed within that Citty & County & for the due & orderly Colecting of the said respective Imposts & Rates the Treasurer of the said Citty for the Time being, or any appointed by him & the Mayor of the said Citty, under the Publick Seale of the Said Citty are hereby Impowered and Authorized to appoint, Constitute & Establish a Collector or Receiver of the Rates & Imposts aforesaid who shall have power to Receive the same, & to enter in fair Books kept for that purpose all Such sume & Sumes of Money as shall be so Entred & Received for the Respective Dutyes aforesaid, the said Collector or Receiver appointing Certaine Convenient times & places for the keeping of the office as shall be Directed by the Court of Mayor Aldermen & Assistants of the said Citty; and all persons that Trade & and bring up the said Citty & County the aforementioned Indian Goods & Rum are hereby required to make a Report of the quantity & value of such goods & Rum they so bring up & sell in the City & County aforesaid, and pay the Dutyes & Impost hereby Established without being att any further Charge then the said Duty and in Default thereof itt shall be Lawfull for the Mayor Treasurer or any other Officer hereby Authorized to Issue his or their warrant under his or their hand & Seale for the seizing of all such goods & Rum that shall be Imbezeled & not pay the Dutyes aforesaid one Third to the Informer, one Third to said Citty & County of Albany, & one Third to his Excellency the Governour, or Comander in Chief for The Time being PROVIDED that all the sume & sumes of Money that are hereby Received shall be only appropriated and applyed to the Defraying the necessary Charge of the Citty & County aforesaid, and that the Treasurer, Collector or Receiver for the Time being shall not pay any of the money received as aforesaid, but by warrant from the Mayor of the said Citty & Approved by the Court Of Aldermen and Assistants. PROVIDED that this act shall onely Remaine in force for the Space of three Yeares & noe Longer any thing Contained herein to the Contrary in any wayes Notwithstanding.

[CHAPTER 10.]

[Chapter 10, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Fowler's Bradford, p. 15; Baskett, p. 2. Livingston & Smith, Van Schaick and Baskett state that this act was repealed by the King, May 11, 1697. See Report of Lords of Trade in Doc. Rel. to Col. Hist., IV, p. 263. For valuable note in reference to this act, see Fowler's Bradford, p. CXI.]

An Act declareing what are the Rights and Priviledges of their Majesties Subjects inhabiting within their Province of New York.

[Passed, May 13, 1691.]

Forasmuch as the Representatives of this their Majesties Province of New York now Convened in Generall Assembly are deeply sensible of their Matys most gratious favour in restoring to them the undoubted Rights and Priviledges of Englishemen by declareing their Royall will and pleasure in their Letters Pattents to his Excellcy who they have appointed their Captaine generall and Governour in Chief over this their Province; that he should with the advice and consent of their Councill from time to time as need shall require to summon and call generall Assemblys of the Inhabitants being freeholders according to the usage of their Majesties other Plantations in America. And that this most excellent constitution soe necessary and soe much Esteemed by our Ancestors may ever continue unto their Majesties Subjects within this Province of New York; the Representatives of this their Majesties Province Convened in Generall Assembly doe with all duty and Submission humbly pray that the rights, Priviledges Libertyes and francheses according to the Lawes and statutes of their Majesties Realm of England may be confirmed unto their Majesties most dutyfull and loyall Subjects Inhabiting within this their Province of New York by Authority of this generall assembly. Be it Therefore Enacted by the Governour and Councill and the Representatives mett in generall Assembly. And it is hereby enacted and declared by the Authority of the same, That the supreame Legislative power and authorite under their Majesties William and Mary King and Queene of England &c shall forever be and reside in A Governour in Chief and Councill appointed by their Majesties their Heires and successours; And the people by their Representatives mett and Convened in generall Assembly; that the exercice and administration of the goverment over the said Province shall, persuant to their Majesties Letters Pattents be in the said Governour in Chief, and Councill with whose advice and Con-

sent or with att least five of them, he is to rule and Govern the same, according to the Lawes thereof, and for any defect therein according to the Laws of England and not otherwise. That in Case the Governour in Chief shall Dye or be Absent out of the Province; and that there be noe person within the said Province Commissionated by their Majesties their heires or Successors to be governour or Commander in Chief that then the Councill for the time being or soe many of them as are in the said Province doe take upon them the administration of the government and the Execution of the Lawes thereof and powers and authorities belonging to the Governour in Chief and Councill, the first in nomination in which Councill is to preside untill the said Governour shall return and arrive in the said Province againe, or the pleasure of their Majestyes their heires or Successors be further known. That for the good government and rule of their Majestys Subjects a session of a generall Assembly be held in this Province once in every yeare. That every freeholder within this province and freeman in any Corporation shall have his free Choice and voat in the electing, of the Representatives without any manner of Constraint or Imposition; And that in all elections the Majority of votes shall carry itt, and by freeholders is to be understood every one who shall have fourty shillings P Annum in freehold. That the persons to be elected to Sitt as Representatives in the Generall Assembly from time to time, for the severall Cittys, Towns, Countys, Shires, Divitions or Mannors of this province and all places within the same shall be according to the proportion and number hereafter expressed, that is to say for the Citty and County of New Yorke foure for Suffolk County two for Queens County two for Kings County two, for the County of Richmond two, for the County of West-Chester two, for the County of Ulster two, for the Citty and County of Albany two, for the Colloney of Renslaerswick, one, Dukes County two; and as many more as their Majesties their heires and successors shall think fitt to establish. That all persons Chosen and Assembled in manner aforesaid or the Major part of them shall be deemed and accounted the representatives of this Province in generall assembly. that the Representatives convened in generall Assembly may appoint their own times of meeting during their sessions and may adjourn their house from time to time as to them shall seem meet and convenient. That the said representatives as aforesaid Conven'd are the sole Judges of the Qualifications of their own Members, and likewise of all undue Ellections, and may from time to time purg the house As they shall see occation That

noe member of the generall assembly or their Servants dureing the Time of their Sessions and whilst they shall be going to and returning from the said Assembly shall be arrested, sued, Imprisoned or any wayes molested or troubled or be Compelled to make answer to any suite, bill, plaint Declaration or otherwise, Cases of high Treason and fellony onely Excepted. That all Bills agreed upon by the Representatives or the Major part of them shall be presented unto the Governour and the Councill for their approbation and Consent all and every which said Bills soe approved of and consented to by the Governour and the Councill shall be Esteemed and accounted the Laws of this Province which said Lawes shall continue and remaine in force untill they be dissallowed by their Majesties their heirs and Successors or expire by their own limitation. That in All Cases of death or Absence of any of the said Representatives the-Governour for the time being, shall Issue out A writt of Summons to the Respective Cittys Towns Countys Division or Mannors; for which he or they so deceased or absent were Chosen, willing and requireing the freeholders of the same, to Elect others in their places and stead That noe freeman shall be taken and Imprisoned or be desiezed of his freehold, or liberty or free Custom's, or out Law'd or Exiled or any other wayes destroyed, nor shall be passed upon, adjudged or Condemned but by the Lawfull Judgement of his peers and by the Law of this Province, Justice nor right shall be neither sold denied or delayed to any person within this Province. That noe Aid, tax, tollage, assessment, Custome Loan, Benevolence gift, Excise duty or Imposition whatsoever shall be laid assessed Imposed, Levyed or required of or on any of their Majtys Subjects within this Province &c or their estates upon any manor of Colour or pretence whatsoever but by the Act and Consent of the governor and Councill and Representatives of the people in generall Assembly mett and Convened; That noe man of what estate or Condition soever shall be put out of his Lands, tenements, nor taken nor Imprisoned nor disinherited nor banished nor any wayes destroyed or molested without first being brought to Answer by due Course of Law. That A freeman shall not be Amerced for A small fault but after the maner of his fault, And for A great fault after the greatness thereof. saveing to him his freehold and A husbandman saveing to him his wainage; and A merchant saveing to him his Merchandize; and none of the said Amercements shall be Assessed but by the Oath of twelve honest and Lawfull men of the Vicinage provided the faults and Misdemeaners be not in Contempt of Courts of Judicature. All tryalls shall be by the verdict of Twelve men and as nere as may be Peares or equalls

of the neighbourhood of the place where the fact shall arise or grow; whether the same be by Indictment declaracon or Information or otherwise against the person or defendant. That in all cases capitall or criminall there shall be a grand Inquest who shall first present the offence; and then twelve good men of the neighbourhood, to try the offendor, who after his plea to the Indictment shall be allowed his reasonable challenges. That in all Cases whatsoever bayle by sufficient suretyes shall be allowed and taken unless for Treason or fellony plainely and specially expressed and mentioned in the Warrant of Committment; and that the ffellony be such as is restrained from Bayle by the Law of England. That noe freeman shall be Compelled to receive any souldiers or Marrinors; Except Inholders and other houses of Publique entertainment; who are to Quarter for Ready money into his house and their Suffer them to Sojorne against their Wills, Provided it be not in time of actuall warr within this Province. That noe Commission for proceeding by Martiall Law against any of his Majesties Subjects within this Province &c shall Issue forth to any person or persons whatsoever least by Colour of them any of his Majesties Subjects be destroyed or put to death. Except all such officers and souldiers that are in Garrison and pay dureing the time of actuall Warr. That all the Lands within this Province shall be esteemed and accounted Land of ffreehold and Inheritance in free and Common soccage according to the tenure of East Greenwich in their Matys Realm of England. That noe Estate of A feme Covert shall be sold or Conveyed but by deed acknowledged by her in Some Court of Record the woman being secretly examined if She doth itt freely without threats or Compulsion of her husband. That All wills in writeing; attested by three or more Credible Witnesses shall be of the same force to Convey Lands as other Conveyances being proved and Regestred in the proper offices in each County within dayes after the Testators death That all Lands and heritages within this Province and dependencies shall be free from all fines, licences upon Alienations; and from all hariotts, ward shipps, leveries primer, Seizins yeare and day waist Escheat and forfeitures upon the death of parents and Ancestors, naturall, unnaturall Cassuall or Judiciall and that for ever. Cases of high treason onely excepted. That noe person of what degree or Condition soever throughout this Province Choosen appointed Commisionated to Officiate or Execute any office or place Civill or Military within this Province &c shall be capable in the Law to take upon him the Charge of such places before he hath first taken the oaths appointed by act of Parliament to be taken in Lieu of the Oaths of

Supremacie and allegiance and Subscribes the test. That noe pson or psons which profess faith in God by Jesus Christ his onely sonn shall at any time be any wayes molested punished disturbed disquieted or called in question for any difference in opinion, or matter of Conscience in Religeous Concernment who doe not under that pretence disturb the Civill peace of the Province and that all and every such Person or persons may from time to time and at all times hereafter freely and fully Enjoy his or their opinion persuasions Judgements in matters of conscience and Religion throughout all this Province and freely meet at Convenient places within this Province, and there worshipp according to their respective perswasions without being hindred or molested, they behaveing themselves peaceably Quietly, modestly and religiously, and not useing this Liberty to Licentiousness nor to the Civill Injury or outward disturbance of others. Allwayes provided that noething herein mentioned or Contained shall extend to give Liberty for any persons of the Romish Religion to exercise their manor of worshipp Contrary to the Laws and Statutes of their Majesties Kingdom of England.

[CHAPTER 11.]

[Chapter 11, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Fowler's Bradford, p. 21. Title only printed in Baskett, p. 8. The act expired May 16, 1693. For note in reference to this act, see Fowler's Bradford, p. CXVI.]

An Act for the Establishing a Revenue for the Defraying the Publick Charges of the Province.

[Passed. May 16, 1691.]

For the better Defraying of the publique & necessary Charges and expences of this Province which cannot Otherwise be effected, without great Charge unto their Majestyes BE IT ENACTED by the Governour Councill and Representatives now mett in Generall Assembly; and by the Authority of the same that the Dutyes, Customes and Excise hereafter specifyed Bee given and granted unto their said Majestyes to the Intent aforesaid That is to say for every gallon of Rum brandy & distilled Liquors that shall be Imported into this Province and Dependencyes the sum of four Pence Currant money of this Province. AND for every pipe of Madera Wine Fyall, St. Georges, Canary, Malago, Sherry and all Sweet Wines the sume of Forty shillings Currant Money aforesaid, and for every hogshead of White Red & Rhenish Wines the sume of Twenty shillings Currant money aforesaid and upon all other Merchandize imported into this

Province & Dependencyes the sume of forty shillings currant money aforesaid for every hundred pounds value at the prime Costs, Except those hereafter specified (vizt.) Salt, Bricks Pantiles Coales, fish, Sugar, Molesses, Cottonwool, Ginger, logwood, brasiletta, fustick or any other sort of Dying wood, Cocoa, hides Tobacco Bullion & Plate, Pork, Oyle, Tar, flax, soape, Candles, Cheese Butter, Beefe, fish Whalebone, hops, apples, Pears, syder, firewood, plants, boards, peltry, Beavers, sheepswool, onyons, Dressed and undressed Dearskins, Tallow, hides, salt, honey, beewax, baywax, Indian Corne, wheat, barley, Rye, pease, or any other sort of Graine or any other thing of the growth & production of our neighbouring Collonyes & Plantations in America. AND BE IT FURTHER ENACTED by the Authority aforesaid that there be alsoe given & granted unto their said Majestyes for the Intent aforesaid upon all Merchandizes Comonly called by the name of Indian goods Duffles, strowds, blanketts Plain halfe thick Woolen stockings white ossenbrigges, kettles, hatchetts, hoes, redlead, Vermillion, Cotton red kerseys, knives, Indian haberdashery and other Indian goods the sume of Tenn pounds Currant money aforesaid, for every hundred pounds value prime Cost that shall be carried up hudsons River in any vessell sloope, Boate or Canow, or any other way, and that the value of the Prime Cost shall be att the Rates hereafter mentioned. PROVIDED, that all kettles that Shall Containe above eight gallons shall pay none of this Duty, vizt: Indian Duffles to be valued at two shillings & four pence the yard, Indian strowds half a peece four pounds a whole piece Eight pounds Indian Blanketts each peece four Pounds, Indian plaine Cottons, pr. yard one shilling and six pence, Indian halfe thicks pr. yard one shilling and tenn pence. Indian white Ossenbriggs the English Ell Eight pence; Indian kettles each hundredweight six pounds, Indian hatchetts the Douzen twelve shillings, Indian hoes, the Douzen twelve shillings, Red Lead Each hundredweight Twenty shillings, Vermillion each Pound four shillings, Cotton pr yard one shilling and four pence, Red Kersey each yard two shillings and six pence, Knives pr Douzen three shillings, Indian shirts pr Douzen Twenty Shillings, Indian Drawing knives, Looking Glasses, Indian Wooden Combs, Indian Beads, Tobaco in Rolls, Indian Belts, sissers, Jews harps, Indian points, Drills, Tobacco pipes, Little painted boxes Awles Sword Blades, Copper Tobacco Boxes, tinsey Lace, Indian gimp, Lace, Needles, tobacco tongs, Indian Powder hornes, Indian woolen stockings, Indian Steels, the sume of tenn pounds Currant money aforesaid for every hundred pounds Value prime Costs that shall be Carryed up as aforesaid, And for every barell of

powder six shillings, for every hundred weight of Lead six shillings and for every Gun with or without a Lock six shillings which shall be Carryed hudsons River as aforesaid. And also for every gallon of Rum which shall hereafter be Carryed up hudsons River as aforesaid four Pence AND be it further ENACTED by the Authority aforesaid that there be given and granted and there is hereby given and granted unto them for the use aforesaid, an Excise upon all Brandy Rum, and other Distilled Liquors to be retailed within this Province under fifteen gallons the Sume of twelve pence Currant money aforesaid for each gallon soe Retailed, And alsoe an Excise of twelve pence Currant money aforesaid on each gallon of Wine under the quantity of five gallons soe Retayled as aforesaid, And alsoe that all beer and syder retayled throughout this Province & Dependencyes shall pay six shillings for each barrell soe Retayled AND it is further ENACTED by the Authority aforesaid that there be given and Granted and there is hereby further given & granted unto their said Majestyes for the Use aforesaid a Custome and Duty that is to say, upon every Beavor Skin Comonly called a whole Beavor the sume of Nine pence Currant money aforesaid, And that all other furs and Peltry be Valued and Rated accordingly, That is to say for two halfe Beavors nine pence, for four Lapps nine pence for three Drillings one shillings & Six pence, for tenn Racoons nine pence, for four foxes Nine pence, for four fishers nine pence, for five Catts nine pence, for six Minkes nine pence, for one Otter six pence, for two bear Skins nine pence, for four Wolves nine pence, for four and Twenty Mush Ratts nine pence, for tenn Matters nine pence for every twenty four Pounds of Mouse and Deer skins, Nine pence, Ox, Bull & Cow hides six pence per hide, Spanish and West Indian Hydes only Excepted, and all other peltry, to be valued Equivalent to a Whole Beavor nine pence to be exported out of this Province AND be it further ENACTED by the Authority aforesaid for the Due and orderly Collecting of the aforesaid Dutyes, Customes and Excise, and alsoe for the preventing of frauds and Embazilments of the said Dutyes Customes & Excise, That all Ships & Vessells whatsoever that shall come to any Port Creek or harbour within this province and Dependencies to trade or Traffique, the Master, Mate or Purser shall come to such place or places as shall be appointed by the Governour or their Majestyes Collector for the Time being and there make Report of all such parcell or parcells of Merchandize and other things as he hath on board such shipp or Vessell and alsoe declare upon his Corporall Oath that he hath not broke Bulk since his arrivall within this Province before he made such Report as is Required. And

alsoe all Merchants that have any goods or Merchandize whatsoever shall att such place or places as is above directed, make a True and Distinct Entry of all such parcell or parcells of goods or Merchandize he hath on board such ship or Vessell according as they Cost him att the prime Cost: And if any Difference shall arise about the Value of the said goods & Merchandize then the Collector or any appointed for the Collection of the said Dutyes & Customes, may Administer to all or any such person or persons makeing such Entry their Corporall Oathes that the said Entry is according to the Invoyce or Invoyces sent to him or them from the place or places from whence Such goods did come. AND further it is ENACTED by the authority aforesaid, That if any Master, Mate or Purser of any ship or Vessell whatsoever or any Merchant ffactor or other shall Contrary to the Rules above prescribed break bulk or Land any Goods or Merchandize whatsoever before he or they make such Report or Entry and pay such Dutyes as Required by this Act, Then and in such Case the Master of such Ship or Vessell that shall break bulke before makeing such Report, as above shall upon proofe of two Evidences forfeit his ship or Vessell with all her Tackle, Furniture & amunition, one Third to their Majestyes, one Third to the Governour of this Province, And one Third to the Informer, to be sued for in any Court of Record within this Province by Bill plaint or Information wherein noe Essoine, protection or wager of Law, shall be Allowed and also all such goods as shall be Landed without entry made as afore directed shall be forfeited on the Testimony of two or more sufficient and Credible witnesses, one Third to their Majestyes one third to the Governour, and one Third to the Informer that shall sue as above AND BE IT FURTHER ENACTED by the Authority aforesaid That all Masters of shipps or Vessells that are within this Province, and doe not belong unto this Province or any parte thereof and bound to any port within or without this Province shall before they take in any Merchandize above expressed, Come to such place or places as shall be appointed for the Collecting of the Rates Established by this Act, and there make Entry and Report of their Designe and Enter into Bond to the Value of One Thousand Pounds with sufficient suretyes That he or they shall not take on Board, Directly or Indirectly without such permitt or Certificate from the Collector or some one having Authority under him for the same, and if he or they Doe take on Board any goods or Merchandize Contrary to the true Intent & meaning of this Law, then he or they shall forfeite his or their said Bond to be sued for, within three months

after such fact Committed or otherwise to be voide and of none effect. And alsoe for the Due and orderly Collection of the Excise above granted BE IT HEREBY FURTHER ENACTED by the Authority aforesaid that all Retaylers of Wine, Rum, Brandy or any other strong Liquor within this Province shall upon the purchase and Receipt of all such Liquor or Liquors before Expressed and Exciseable, Come to the Office or Officer of the Excise and There or with him make entry of all such Liquor or Liquors as they shall buy, and Receive and pay such Dutyes as are hereby appointed within four & Twenty hours or as soone as may bee without great Inconveniencys, PROVIDED an Officer for that purpose be Established in each Town throughout the Province: And on Default thereof all such Liquors as shall be found in any Retaylers house within this Province or Dependencyes, as have not been Duely Entered & paid the Rates above Expressed then and in such Case on the Testimony of two or more substantial Witnesses the said Retayler or Retaylers soe offending in the premises shall forfeit such Liquors, And in Case the value thereof shall be under the sume of five pounds Currant money aforesaid, shall Likewise and beyond forfeit and pay the Treble Value of such Liquors, one halfe to the Informer and ye other halfe to the Publique Treasurer of this Province to be sued for in any Court of Record within each County, where any such Action or Actions shall arise, wherein noe Essoine protection or wager of Law shall be Allowed. AND be itt further ENACTED that if any person or persons within this Province & Dependencyes not being thereunto Duly Licenced shall att any time hereafter presume to sell by Retayle any the Liquors aforesaid that is to say less quantity att one time then fifteen gallons the person soe offending shall forfeit & pay the sume of five pounds for every such Offence, being thereof Convict by the Oath of two or more substantiall Evidences to be sued & Employed for in such manner & porportions as is Last aforesaid, AND BE IT FURTHER ENACTED that all Masters & Commanders of shipps sloopes, Boates or any other Vessell, belonging to this province and its Dependencyes shall repair to the said Custome house or other place or places that shall be appointed for that purpose and there Enter into Bond of one hundred pounds that they shall not Directly or Indirectly take on Board or Carry away out of this Province and Dependencyes any of the aforesaid Goods or Merchandizes without paying such Cutomes and Dutyes as are before Expressed. PROVIDED also that all Indian Traders throughout the whole province & Dependencyes Doe pay for the value of each hundred pounds prime Cost, they soe Traffique with the Indians the sume

of Tenn pounds money aforesaid PROVIDED alwayes & itt is further Enacted by the Authority aforesaid that if any of the Goods Merchandize, Wines, Rum, Brandy & other Distilled Liquors for which the Dutyes in this Act mentioned is paid or secured to be paid at the Importation, be Exported out of the Province within Six months after their Importation then the Moyety or one halfe of the aforesaid Dutyes in this Act mentioned shall be returned for as much as shall be so exported the Exporter makeing Oath in the Custome house thatt the whole Duty hath been Duly paid for the said Wines & Liquors at the Importation & thatt there hath been noe fraud or Mixture used to Increase the said Liquors to be Exported and that thereupon he bring a Certificate from the surveyor or Searcher that the said Wines or Liquors are accordingly shipped, any thing Contained herein to ye Contrary in any wayes notwithstanding. PROVIDED allwayes that this Act and all things therein Contained shall only Continue and Remaine in force for the Time and space of two Years next and after the Publication thereof and no Longer any thing Contained herein to the Contrary in any wayes Notwithstanding.

[CHAPTER 12.]

[Chapter 12, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Fowler's Bradford, p. 26. Title only printed in Baskett, p. 8. For note in reference to this act, see Fowler's Bradford, p. CXVI.]

An Act to Enable his Excellency to Defray his Extraordinary Expence & to Endemnify the Collector & Receiver Generall for ye Receipt of severall sums of Money on pretence of Customes & Dutyes.

[Passed, May 16, 1691.]

The Representatives Convened in Generall Assembly, being very sencible that the Great Confusions and many Disorders that were in this Province on your Excellencyes Arrivall, must needs occasion unto your Excellency an Extraordinary and great Expence, and they being Likewise well Assured of the Good Affection your Excellency hath for the Inhabitants of this province, and for the Great Care your Excellency hath taken for the Conserning the peace thereof, and forasmuch as their Majestyes Collector and Receiver Generall has since the Twenty ninth Day of January Exclusive Last Past, received from the Inhabitants of this Province severall sums of Money for Dutyes Customes and other Impositions formerly accustomed to be taken but not Warrantable by the Law, for the

Removall of the many Controversyes, & Disputes that may Arise thereby and also for the better Defraying the Extraordinary Expences your Excellency has been att Doe pray that it may be Enacted, by your Excellency & Councill & Representatives Convened in Generall Assembly. AND BE IT HEREBY ENACTED by ye Authority of the same, that all ye sum & sums of money for any Duty Custome Imposition or any other Pretence whatsoever received by their Majestyes Receiver Generall since the Twenty Ninth day of January Exclusive now last past untill the Day of the publicacon of a Certaine ACT now made and Established in this present sessions of Assembly Intituled, An Act for ye Establishing a Revenue for the Defraying the Publique & Necessary Charges of ye Province are hereby given & granted unto his said Excellency for ye Intent aforesaid, and ye said Collector & Receiver Generall is hereby Required and Authorized to account & pay unto his said Excellcy when he shall be thereunto Required all & every of ye said Sum & Sums of Money so by him Received, within & Dureing ye Time aforementioned & for his so Doing this Act shall be a Good & Sufficient Warrant unto him ye said Collector his Executors & Administrators forever. And be it further Enacted by the Authority aforesaid that their Majesties Collector & Receiver Generall aforesaid is hereby Indemnifyed from all maner of Plaints suits or Demands whatsoever from any person or Persons on the account of any sum or sumes of Money so Received by him During ye Time aforesaid. And that if any Action, Bill, Plaint, or Informacon shall be brought moved or Prosecuted att any time hereafter against the said Collector his Executors & Administrators for or Concerning any Sume or Sumes of Money soe Received by him During the Time aforesaid, he or any of them so sued & Prosecuted in any Court whatsoever shall & may Plead ye Generall Issue not Guilty and upon any Issue Joined may give this Act, & ye Speciall Matter in Evidence: and if the Plaintiffe or Prosecutor shall be Nonsuited, or forbear farther Prosecution or suffer Discontinuance, or Verdict pass against him the Defendant or Defendants shall Recover their Trebble Costs for which they shall have like Remedy, as in any Case where Costs by the Law are given to Defendants: And Whereas there are severall Arrearages of Customes and Dutyes In the month of June which was in ye yeare of our Lord One Thousand Six hundred and Eighty nine formerly used to be Taken: Bee it farther Enacted by the Authority aforesaid that all such Person or Persons, that Remaineth Indebted for any Duty or Custome ariseing & Due in ye Month of June aforesaid, which was in

the yeare of our Lord One Thousand Six hundred and Eighty nine are hereby Required to make their severall & Respective Payments unto their Majestyes Collector & Receiver Generall for ye Intent aforesaid and their Majties Collector & Receiver Generall is hereby Authorized & Impowered to Receive the same, and in Default thereof, to sue for & Recover the same in such manner & forme as is Usuall & Practicable in the Recovery of all just Debts Due to the King.

And for asmuch as the Representatives now mett in Generall Assembly are Likewise sencible of the signall Services Done and Acted by Major Richard Ingoldsby & Captn William Kidd before your Excellencyes Arrivall, Therefore pray that itt may be farther Enacted by the Authority aforesaid, that there be Paid out of the Money given your Excellency by Virtue of this Act, unto Major Richard Ingoldsby the Sum of One hundred pounds and to Captn. William Kidd the sume of One hundred & fifty Pounds as a suitable Reward and Acknowledgement for the good services, Done by them before your Excellencyes Arrivall here.

[CHAPTER 13.]

[Chapter 13, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Fowler's Bradford, p. 31. Title only is printed in Baskett, p. 8. For note in reference to this act, see Fowler's Bradford, p. CXVIII.]

An Act for the pardoning of such as have been active in the late disorders.

[Passed May 16, 1691.]

The Governor Councill and representatives convened in generall Assembly takeing into their serious Considerations the many great troubles and disorders that have been lately within this Province & And that by occasion thereof and otherwise many of their Majesties Subjects are fallen in danger of and lie open to great penaltyes and forfeitures. And with all Considering the Ignorance of many and the dutyfull affections of others of their Majesties Loyall subjects out of an earnest desire to deliver them from the penaltyes and forfeitures aforesaid and to the intent that their offences may not hereafter be brought in Judgement Question or Remembrance to the least Endamagement of them either in their lives Libertyes Estates or reputations but that they haveing an entire confidence in their Majesties and perfect union among themselves may be encouraged in their duty to their Majesties government and more fully and securely Enjoy the benefitt of it. It is therefore necessary that there be extended unto them A generall and free pardon. That all their Majesties

subjects by this Clemencie and Indulgence may be the better Induced henceforth more Carefully to observe the Lawes and performe their Loyall and due Obedience to their Majesties Be it therefore Enacted by the Governor and Councill And representatives Convened in generall Assembly and by the Authority of the same that all and every the said Subjects Inhabiting within this Province their heires Executors and Administrators and every of them shall be and are by the Authoritie of this present Assembly Acquitted pardoned released and discharged against their Majesties their heirs and successors and every of them of and from all manner of Treasons fellonies Misprisons of Treason Treasonable or seditious words and libell, Misprisons of ffelony Seditious and Unlawful meetings and of all offences whereby any person may be charged with the penalty and danger of premunire. And also of and from all riotts routs offences, Contempts Trespasses enteries wrongs deceits misdemeaners forfeitures penaltys paines of death paines Corporall and paines precuniary; And generally of and from all other things Causes Quarrells suites Judgements and Executions in this present Act not hereafter Excepted which may be or Can by their Majesties in any ways or by any meanes pardoned before the Nineteenth day of March last past to any of the Subjects aforesaid; And be it further Enacted by the authority aforesaid that this pardon shall be as good and effectuall in Law to every of their Majesties said Subjects in for and against all things which be not hereafter in this present Act Excepted, as the same pardon should have been if all offences Contempts forfeitures Causes matters, suits Quarrells Judgements Executions penaltyes and all other things not hereafter in this present Act Excepted had been particularly Singullarly especially and plainely named rehearsed and Specified and alsoe pardoned by express words and names in their kinds natures and Qualities by words and terms thereunto requisite to have been put in and expressed in this present act of pardon that their said Subjects or any of them the heires Executors or administrators of any of them be not nor shall be sued vexed or unquieted in their bodyes goods Chatles, Lands or Tenements for any maner of matter Cause Contempt misdemeanor forfeiture trespass offence or any other thing suffered done or Comitted or omitted before the Nineteenth day of March against their Majesties their Crown dignity prerogative or the Laws or Statutes of their Majesties Realm of England and this Province. But only for such matters Causes and offences as be rehearsed mentioned or in some wayes touched in the Exceptions of this present Act Excepted and for none other any statute Law Custom or Usage heretofore had made or used to the Contrary in any wayes notwithstanding. And be it further Enacted That all

and every their Majesties subjects may by him or themselves or by his or their Attorney or Attorneys according to the Laws of England and this Province plead and minister this present Act of Pardon for his or their discharge of or for anything that is by virtue of this Act pardoned discharged given or granted without any fee or other thing paying to any person or persons for writeing or entering of the Judgements or other cause concerning such Plea writing or entery but onely three shillings to be paid to the officer or Clerk that shall enter such plea matter for Judgement or the partyes discharged in that behalf any Law Custom or usage to the Contrary in any wise notwithstanding. And be it further Enacted by the Authority aforesaid that this pardon by the generall words clauses and sentences before rehearsed shall be reputed, deemed, adjudged expounded allowed and taken in all maner of Courts of their Majesties most beneficiall and Availeable to all and singular the said Subjects and to every of them in all things not in this present Act excepted without any Ambiguity Questions or other delay whatsoever to be made pleaded objected or alledged by their Majesties their heires or successors or their or any of their generall Attorney or Attorneys or by any person or persons for their Majesties or any of their heires or successors. Excepted and allwayes foreprised out of this generall pardon all and every the persons hereafter named & expressed Jacob Leisler, Jacob Milbourn, Gerrardus Beekman, Abraham Governeure, Abraham Braisier, Thomas Williams, Minardt Coerten, Johanes Vermillion, Already attained of Treason and murther, And Nicholas Blank, Garrit Duykine, Hendrick Jansen, John Coe, William Lawrence, in East Jerzey, Cornelius Pleuier, William Churchill, Joast Stoll, Samuel States, Jacob Maurize, Robert Leacock, Michael Hanson, Richard Ponton of the County of West-Chester Joseph Smith, and John Baily, Rolouff Swarthwood, Anthony Swarthwood, Johanes Provost, Jacob Mulline, Benjamine Blagg, Johchem States and Richard Pretty.

[CHAPTER 14.]

[Chapter 14, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Fowler's Bradford, p. 30; Baskett, p. 8. The act was confirmed by the King, May 11, 1697 (see Fowler's Bradford, p. CXXXVI), but was repealed by ch. 603, and indulgence given by that act.]

An Act To Ease People that are Scrupulous in Swearing.

[Passed, May 18, 1691.]

Forasmuch as their are sundry Persons within this Province and Dependencyes out of a Tender Conscience Refuse to give their

Evidence on Oath in any Matter or thing is Depending in any of the Courts within the same Be if therefore Enacted by the Governour Councill and Representatives now mett in Generall Assembly and by the Authority of the same That in such Case the Person or persons soe Refusing the same shall give in or Deliver their Evidence or Testimony in Manner and Forme following, That is to Say. I: A: B: Doe solemnly promise as in the Presence of God to speak the Truth the Whole Truth and Nothing but the Truth to the Matter or thing in Question. And bee it further Enacted by the Authority aforesaid That if any such Person or Persons soe Refuseing as Aforesaid shall be sumoned to serve upon any Jury in any Court within this Province then such Person or Persons shall make the Ingagement following (That is to say) I: A: B: Doe solemnly Promise as in the Presence of God that I will Well and Truly Try the Issue between C: D: Plaintiffe, and F: G: Defendant according to Evidence. And in Case any such Person or Persons soe Called to Evidence or to serve upon any Jury and Declareing as aforesaid shall afterwards be Convicted of Willfull falsehood, That then and in such Case such Person or Persons shall Undergoe the same punishments as in Cases of willfull Perjury is Appointed and provided.

THE FIRST ASSEMBLY,

Second Session.

(Begun Sept. 11, 1691, 3 Wm. & Mary, Richard Ingoldsby, Commander in Chief.)

[CHAPTER 15.]

[Chapter 15, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Fowler's Bradford, p. 40. Title only is printed in Baskett, p. 12. For note in reference to this act, see Fowler's Bradford, p. CXX.]

An Act for the raising and paying One hundred and fifty men to be forthwith raised for the Defence and reinforcement of Albany for six months.

[Passed, September 29, 1691.]

Whereas the Frontiers att Albany is in Eminent danger to be lost being daily threatned to be invaded by the French Their Majesties declared Enemeyes And forasmuch as the safety of this and all their Majestyes neighbouring Plantations doth only depend on having that place well secured and for the Effectuall doing thereof Application hath been made unto the neighbouring Plantations but hath had noe Effect and there

being now an absolute necessity for the reinforcing of the Frontiers of this Province in the County of Albany as well for the securing their Majesties neighbouring Plantations as for the preserving the Indians and this Province. Bee it therefore Enacted By the Commander in Cheife and Council and Representatives Convened in Generall Assembly and by the authority of the same That the Commander in Cheife doe raise one hundred and fifty men with their proper Officers for the reinforcement of the frontiers of this Province in the County of Albany aforesaid which shall remain in the said County for the Defence thereof six months to Commence on the first day of November next and to end on the first day of May then following and for the paying and maintaining the said One hundred and fifty men and their propper Officers Bee it further Enacted By the Authority aforesaid that a levy of fifteen hundred pounds Currant money of this Province be laid Assessed Raised and levyed upon all and Every of the Inhabitants, Residents and freeholders of and in this Province for the paying and maintaining of the said One hundred and fifty men and their propper Officers for six months as aforesaid and for noe other use intent or purpose whatsoever to be layd assessed raised levyed and payd to their Majestyes Collector and Receiver Generall for the time being at their Majestyes Custom house in the Citty of New Yorke on the twenty fifth day of March next Ensueing which shall be in the year of our Lord One thousand six hundred ninety two according to the rates and proportions following that is to say. For the Citty of New Yorke three hundred pounds ffor the Citty and County of Albany One hundred thirty five pounds for the County of Westchester One hundred and five pounds, ffor the County of Richmond ninety pounds for the County of Ulster and Dutchess County One hundred Eighty seven pounds tenne shillings, For the County of Suffolk two hundred and sixty two pounds tenne shillings, for Kings County One hundred ninety five pounds For Queens County One hundred ninety five pounds For the County of Orange Eleven pounds five shillings And ffor Dukes County Eighteene pounds fifteene shillings and Bee it further Enacted by the authority aforesaid That for the better assessing raising and paying the sume of One thousand five hundred pounds aforesaid the Mayor and Aldermen within the Citty of New Yorke the Mayor and Aldermen within the Citty of Albany with the Justices of the peace for the Citty and County of Albany for the time being And the Justices of the peace for the time being for the severall and respective Countyes aforesaid for the severall Countyes respectively for the which

they shall be Justices of the peace Doe within fourty dayes after the Publication thereof Assemble and meet together in the Court houses for the severall and respective Cittyes and Countyes or such other place or places as they shall agree upon amongst themselves. And shall there Order that the Assessors and Collectors for the severall Cittyes Townes Mannors and Libertyes within their severall Jurisdiction for the Assessing Collecting and receiving of the publick rates for the Defraying the publick and necessary Charge of each respective Citty and County aforesaid Be the Assessors and Collectors for the Assessing and Collecting and receiving the Sume or sumes of money herein before mentioned according to the proportions before Expressed as to the said Mayors and Aldermen and Justices shall seeme meete and reasonable and forasmuch as there are severall Mannours and Jurisdictions within the respective Countyes aforesaid who neglect and doe not elect annually or once a year Assessors and Collectors whereby the intent of this Act may be frustrated Bee it therefore Enacted By the authority aforesaid That If the respective Mannours and Jurisdictions within the severall Countyes aforesaid shall refuse or neglect to Elect Assessors and Collectors for the Assessing of the respective Mannours and Jurisdictions and for the Collecting of the same according to the intent and direction of this Act then and in such case the Justices of the peace of the Countyes where such Mannours or Jurisdictions are, are hereby impowered and authorized to nominate and appoint Assessors and Collectors for such Mannours and Jurisdictions as shall neglect or refuise as aforesaid which Assessors and Collectors shall to all intents and purposes observe the dirrections of this Act anything Contained herein to the Contrary hereof in any wayes notwithstanding. And Bee it further Enacted By the Authority aforesaid that the said Mayors Aldermen, Justices of the peace for the respective Cittyes and Countyes Mannours and Jurisdictions have and shall have power and authority by virtue of this Act each of them by himself to Administer an Oath to the said Assessours well, truely equally and impartially in due proportion as it shall appear to them according to their best understanding to Assesse and rate the Inhabitants residents and Freeholders of the respective places for which they shall be Chosen Assessors And Bee it further Enacted By the Authority aforesaid That if any person or persons who shall be Chosen Assessors or Collectors shall deny neglect or unequally and partially Assesse or refuse to make such Assessment as by this Act is required or shall deny neglect or refuse to Collect any sume or sumes of

money in forme before mentioned, assessed That then and in such Case it shall and may be Lawfull for any two of their Majesties Justices of the peace of the Cittyes and Countyes where such Offenders shall happen to dwell or reside and who by virtue of this Act are required and impowered to doe the same by warrant under their hand and seals to Committ such Assessor or Assessors Collector or Collectors soe denying neglecting or unequally and partially assessing or refusing to Collect as aforesaid to the Common Goale there to remaine without Bayle or mainprize till he or they shall make fine and ransome to their Majesties for such Contempt as aforesaid And Bee it further Enacted By the Authority aforesaid That if any person or persons of what degree or quality soever he or they be within the Province who shall be assessed or rated any sume or sumes of money by virtue of this Act to be raised and levyed shall deny refuise or delay to pay and satisfy the same that then it shall and may be lawfull for any such Collector by virtue of a warrant under the hand and seal of any Justice of the peace for the Citty and County where such Offenders shall dwell or reside who by virtue of this Act are required and authorized to grant and issue forth such warrant to levy the same by distresse and Sale of such person or persons goods and Chattells returning the overplus (if any be) to the Owners the sume assessed and Charges of distresse and sale being first deducted And alsoe Bee it further Enacted By the authority aforesaid that if any Mayor Aldermen or Justices of the peace within this province who are hereby required Impowered and authorized to take Effectuall Care that this Act and Every article and Clause therein be duely Executed according to the true genuine sence and Intent thereof shall deny refuse neglect or delay to doe performe fullfill and Execute all and Every or any the dutyes powers and authorityes by this Act required and impowered by him or them to be done performed fulfilled and Executed and shall thereof be lawfully convicted before any of their Majesties Courts of Record within this Province he or they shall suffer such paine by fine imprisonment as by the discretion of the Justices of the said Courts shall be adjudged And Bee it further Enacted By the authority aforesaid that if any Action Bill plaint or Information shall be brought moved or presented at any time hereafter against any person or persons for any matter cause or thing done or acted in pursuance and execution of this Act Such person or persons soe sued or prosecuted in any Court whatsoever shall and may plead the generall issue not guilty and give this Act and the speciall matter in Evidence and if the Plaintiffe or Prosecutor shall be nonsuited or forbear further prosecution or suffer discontinuance

or verdict to passe against him the Defendant and Defenders shall recover trible costs for which they shall have like liberty as in case where costs by the law are given to Defendants, Provided alwayes That noe Mayor Alderman or Justice of the peace shall be troubled sued prosecuted or molested for any Omission Offence or neglect by virtue of this Act but within the space of one year after such Omission Offence or Neglect and not at any time thereafter any thing herein Contained to the Contrary hereof in any wayes notwithstanding. Alwayes Provided and Bee it further Enacted By the authority aforesaid That the severall Collectors of each respective Citty and County as aforesaid shall have liberty to pay the severall and respective sumes assessed as aforesaid at the day aforementioned in Current silver money or for want thereof in good sufficient and merchantable provisions at the Currant market price in silver money at New Yorke any thing Contained herein to the Contrary hereof in any wayes notwithstanding.

[CHAPTER 16.]

[Chapter 16, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Fowler's Bradford, p. 34. Title only is printed in Baskett, p. 12. The act was repealed by ch. 65. For note in reference to the act, see Fowler's Bradford, p. CXVIII.]

An act for regulating the Damages done in the time of the late disorders and for the uniting of the minds of their Majestyes Subjects that have lately absented themselves from their habitations and the usuall places of their abode.

[Passed, September 30, 1691.]

Forasmuch as many of their Majestyes Subjects have lately absented themselves from the usuall places of their abode and others through Causeless fears have also withdrawn themselves out of this Province by which means Trade is lessened the Strength of the Province weakened and their familyes injured and Whereas it is highly necessary at this juncture being a time of warr and great danger that the minds of the Subjects of this Province should be heartily united. And forasmuch as in the time of the late disorders when Jacob Leisler lately attainted and Executed had usurped a power and pretended Government over their Majestys Subjects within this Province many hurts injurys wrongs and Damages were done unto their Majestyes good and faithfull Subjects by those that were aiding and assisting to him in his usurped power and Government as aforesaid And it being likewise necessary That all their

Majestyes Subjects as aforesaid Should have Some just and reasonable Satisfaction from those that have soe injured them And that it is apparent that many thro' ignorance and fear have bin led aside to doe the hurts and harms as aforesaid and if such be prosecuted by the Comon Processe of the Law may tend to the utter ruine of them and their famileys and noe way recompence the injuryes done and those that are most able to Satisfy the Damages and have bin most active in projecting the same Escape free and for as much as the Generall peace and security of their Majestyes Government over this Province cannot be firmer Established then that all those that have soe absented themselves returne again unto their respective abodes and habitations and that all their good Subjects heartily unite in the Comon Defence of the Same against all Enemyes whatsoever And for effectuall doing thereof and that a just and equitable Satisfaction may be made to the persons injured by those that have bin active as aforesaid in such equall and just proportions as the Circumstance of the fact will admitt Bee it therefore Enacted By the Commander in Cheife and Council and the Representatives convened in Generall Assembly and By the authority of the same, That in Each of the respective Cittys and Countys hereafternamed and Expressed ther Shall be Constituted and Commiconated under Their Majestyes seal of this Province five Commissioners who are hereby impowered and authorized at such Certaine dayes and places as they shall conveniently appoint to meet and Assemble together and at such their Assemblyes and meetings to receive in writeing the Claims and Demands of such of their Majestyes Subjects that have been hurt or have received damage in their Estates by the force and Violence of any person or persons imployed or pretended to be imployed by Jacob Leisler lately attainted and Executed or any under or officiated with him and after they have received Such Claims and demands as aforesaid they are then to cause the Constable of the respective Towns where the persons Complained against doe reside or any other person the said Commiconers shall think fitt to appoint to summons the partyes Complained against to make their personall appearance before them at a certaine day of which the Complainants shall have notice and be likewise present and upon their appearance strictly to Examine and to inquire into the matter of fact and Damages alledged and upon Denyall of the fact to summons and call before them such person or persons that knoweth anything of the fact or damage alledged or can give evidence thereof and the said Commissioners are hereby impowered and authorized to Administer an oath or Oaths unto

such person and persons that shall be soe summoned before them that the truth may the better be discovered and upon their hearing and Examineing of the partyes and inquiring into the matter of fact and Damage as aforesaid they are hereby farther impowered and authorized to assess the Damages in truth and equity as it shall appear unto them and not otherwise and such their assessments of the Damages shall be laid on the offenders in such just and equal proportions as to them shall seem meet in equity and good Conscience and after such their Assessment and Taxation as aforesaid shall order and decree the offenders or Defendants to pay the sume soe Assessed and Taxed in manner aforesaid unto the Complainants or give sufficient security that they shall pay the same at a reasonable day after this their Decree and Determination all which assessments Taxation Decreed and Determinations done and made in manner and forme as aforesaid shall be good and Effectuall in the law and a good and sufficient discharge unto the Defenders forever according to the true intent and meaning hereof any thing contained herein or in any other law to the Contrary hereof in any wayes notwithstanding alwayes provided and Bee it further Enacted By the authority aforesaid That all persons That have been harmed injured and Damaged in manner aforesaid and are at the Publication hereof within this Province shall bring in their Claims and Demands unto such place or places as shall be appointed by the Commiconers in the respective Cittyes and Countyes hereafter named within fourty dayes otherwise they shall forever be barred their Claime and upon any future prosecution the Defendants may plead the Generall Issue and give this Act and the speciall matter in Evidence and if the Plaintiff shall become nonsuite or forbear further prosecution or suffer discontinuance or if a verdict passe against him the said Defendant shall recover his double Costs for which he Shall have the like remedy as in Case where Costs by Law are given to Defendants And all Person or Persons That are out of the Province at the Publication hereof and have been wronged and injured in manner aforesaid shall within one year after the Publication hereof give in their Demands and Claims as aforesaid otherwise shall be forever barred their Claime and be under the Restriction of this Law to all intents and purposes as aforesaid. alwayes provided and Bee it further Enacted By the authority aforesaid That if any person or persons That have offended in manner aforesaid and have been personally summoned or had a summons left in writeing at their habitations or usuall places of their abode and doth not appear to make their Defence or show some lawfull Cause why they could not appear shall be Deemed and Esteemed Defaulters and Sentence and Decree shall passe upon them on Default

accordingly and Execution issue thereupon as aforesaid and Bee it further Enacted By the authority aforesaid That the Commiconers hereafter named for the putting this Act in Execution shall be Commiconated under the seal of this Province and there is hereby nominated constituted and appointed for the Execution of this Act and the Clauses therein Contained for the City and County of New Yorke Captaine Jacobus Van Cortland Peter Jacobs Marius, Lawrence Reed, Thomas Codrington, and Adolph Phillips Esqrs or any three of them whereof Captaine Jacobus Van Cortland is to be One And for the City and County of Albany Peter Schuyler Martin Gerrits, Albert Ryckman, Hendrick Ranslaer, and Gerrit Ryersen Esqrs, or any three of them whereof Peter Schuyler is to be one And for the County of Ulster Thomas Garton, Matthias Tenyed, William Legg, William Haynes Wessell Tenbrock Esqrs or any three of them whereof Thomas Garton is to be One And for the County of Richmond Elias Duxbury, Dennis Tennissen, Andrew Cannon, Abraham Lakeman, and John Shadwell Esqrs or any three of them whereof Elias Duxbury is to be One And for the County of Westchester John Palmer, John Hunt, John Drake, Joseph Theale, & Jonathan Heart Esqrs or any three of them whereof John Palmer is to be One, and for Kings County Jacquis Cortillian, John Tennissen Nicholas Stillwell Lacus Stevenson, Joseph Hegaman, Esqrs or any three of them whereof Jacquis Cortillian is to be one, And for Queens County John Roberson, Nathaniel Pierson, James Clements, William Hallitt junior Jonathan Smith Esqrs or any three of them whereof John Roberson is to be One Provided alwayes That in Case of Death it shall be in the power of the Commander in Chiefe and Councill to nominate and appoint others Commiconers instead of the Commiconers Deceased which said Commiconers so as aforesaid nominated and appointed or in case of Death to be nominated and appointed shall in the respective Cittyes and Countyes respectively meet together and Execute and performe the severall powers authorityes and directions in any by this said Act given and appointed and for their true and faithfull Execution thereof they shall att the time they receive their Commicon take this following Oath Vizt: "You shall swear that you to your cunning witt and power shall truely and indifferently Execute the powers and authorityes given you by this Commicon and Act of Assembly without any favour affection, corruption dread or Malice to be borne to any manner of person or persons and as the Case shall require ye shall consent and endeavour yourselfe for your part to the best of your knowledge to the assessing and Taxing

the Damage of such Claims and suites that shall be brought before you according to truth, Equity and the Evidence given you and in such due and equall proportions as in good conscience shall seeme meet unto you and the same powers and authorityes to your cunning witt and power Cause to be putt in due Execution without favour Dread Malice or affcetion So help you God. Alwayes provided and be it hereby further Enacted by the Authority aforesaid That in Cases of Errour any person or persons shall have liberty to make his or their appeal unto the Governour and Council provided the value appealed for Exceed the sume of One hundred pounds and that security be first given by the appellant to answer such Charges as shall be awarded in Case the first sentence or Decree be affirmed And in regard some persons have commenced, and prosecuted and threaten to Commence and Prosecute, Actions and suites against such of their Majesties Subjects for and by reason of their Actings and doings as aforesaid therefore for the preventing the trouble and Charges which the said subjects might be put to by the means of such suites Bee it further Enacted By the Authority aforesaid that all personall Actions Suites molestations and Prosecutions whatsoever and Judgements and Executions had therein if any for or by reason of any of the premises be and are hereby discharged and made void and if any Action or suite hereby declared and intended to be discharged Shall be Commenced and prosecuted in any other Court or after any other manner than what is Declared and appointed by this Act then every person so sued may plead the General Issue and give this Act and the Speciall matter in Evidence and if the Plaintiffe Shall become nonsuited or forbear further Prosecution or suffer discontinuance or if A verdict passe against him the said Defendant shall recover his double Costs for which he shall have the like remedy as in Case where costs by Law are given to Defendants And since it is the Generall peace of this Government and the good ease and benefite of all their Majesties Subjects inhabiting within the same that it is only intended by this Act Bee it therefore Enacted By the authority aforesaid That all Judges and Justices of their Majesties Courts of Records and all Mayors and Aldermen of the respective Cittyes and all Sherriffes Clerks and other Officers within this Province do take notice of the said Act and see the same truly Executed according to the powers authorityes and Clauses therein Contained, any thing contained herein or in any other law to the contrary hereof in any wayes notwithstanding And that all their Majestyes Subjects concerned in the premises and who for those causes have absented themselves from the usuall places of their abode or have

withdrawn themselves out of this Province may have all their Causeless fears removed and fully enjoy all the benefitts priviledges and advantages intended them by this act. Be it therefore further Enacted By the Authority aforesaid That all and Every of such persons Concerned in the premises Doe within fourty Dayes after the publication hereof returne and repair to their respective habitations or places of their abode within this Province and there use Exercise and follow their respective occupations as Accustomed where they shall remaine without any other lett or molestations than what is required by this Act and ffreely possesse and Enjoy all the benefitts and protections of their Majesties Laws of England and this Province. alwayes provided and Bee it further Enacted by the authority aforesaid That if any person or persons concerned in the premises as aforesaid shall neglect to returne and repayr to their respective habitations or places of their abode in this Province within the time Limitted and expressed (Except all such as shall be at the publication hereof beyond the Seas then and in such Case all such person and persons shall be Deemed and Esteemed Contemners of their Majestyes Authority and Government over this Province and lose all the benefitts and advantages intended them by this Act And all and every of their respective Estates both reall and personall shall be lyable and Extended to make Satisfaction to all such Suits and Demands as shall be made in due forme of the Law against them any thing Contained herein to the contrary hereof in any wise notwithstanding.

[CHAPTER 17.]

Chapter 17, of Livingston & Smith and Van Schaack, where the act is printed in full. Printed in full in Fowler's Bradford, p. 39; Baskett, p. 11. The act was confirmed by the King, May 20, 1708. (See Fowler's Bradford, p. CXXXVII.) See chapter 1534, by which the county of Albany is divided into three counties. See chapter 1376, which is an act to ascertain part of the boundaries of Westchester, Orange and Queens counties. See chapter 333, by which a part of the manor of Livingston is annexed to the county of Albany. For note in reference to this act, see Fowler's Bradford, p. CXVIII.]

An Act to Divide this Province and Dependencies into Shires and Counties.

[Passed, October 1, 1691.]

FORASMUCH as mistakes may arise about the limitts and bounds of the respective Countyes within this Province, for Prevention whereof, BEE IT ENACTED By the Commander in Cheife and Council and Representatives and by the authority of the same that the said Province be Divided into twelve Countyes

as followeth. The Citty and County of New Yorke to containe all the Island comonly called Manhattans Island Mannings Island the two Barne Islands and the three Oyster Islands Manhattans Island to be called the City of New Yorke and the rest of the Islands the County, The County of Westchester to containe East and Westchester Bronks Land Fordham Mannour of Pelham Miniford Island Richbells Neck and all the land on the Maine to the Eastward of Manhattans Island as far as the Government at present Extends and the Yonckers Land And Northwards along Hudsons River as far as the HighLand.

The County of Ulster to Containe the Townes of Kingstone Hurley and Marble Towne Foxhall and the new pallz, and all villages neighbourhoods and Christian Habitations on the west side of Hudsons River from the murderers Creek neer the highlands to the Sawyers Creeke, The County of Albany the Manour of Renslaerswyck, Schenectady and all the villages neighbourhoods and Christian plantacons on the East side of Hudson's River from Roeloffe Jansens Creeke and on the west side; from Sawyers Creeke to the outmost end of Saraghtooga.

The Dutchesse County to be from the bounds of the County of Westchster, on the Southside of the high land along the East Side of Hudsons River as far as Roeloffe Jansens Creek and Eastward into the woods twelve Miles. The County of Orange to beginn from the limitts or bounds of East and West-Jersey on the West side of Hudsons River along the said River to the murderers Creeke or bounds of the County of Ulster and westward into the woods as far as Delaware River, The County of Richmond to Containe all Staten Island Shutter's Island and the Islands of Meadow on the west side thereof, Kings County to Containe the severall Townes of Boswyck Bedford Breucklin Flatbush Flatlands New Utricht and Gravesend with the Severall Settlements and Plantations Adjacent, Queens County to Containe the Severall Townes of Newtown Jamaica Flushing Hemstead and Oysterbay with horse neck the Severall out farms Necks Settlements and Plantations adjacent and the Islands Called the two brother's and Huletts Island.

The County of Suffolke to containe the Several Townes of Huntington Smithfield, Brookhaven Southampton Southold Easthampton to Mantank Point Shelter Island, the Isle of Wight Fishers Island and Plum Island with the Severall Outfarmes Settlements and Plantations adjacent, Dukes County to Contain the Islands of Nantucket Martins Vineyard Elizabeth Island and No Mans Land. The county of Cornwall to Containe Pemaquid and all the Territoryes in those parts with the Islands adjacent.

[CHAPTER 18.]

[Chapter 18, of Livingston & Smith and Van Schaack, where the act is printed in full. Printed in full in Fowler's Bradford, p. 43; Baskett, p. 9. For note in reference to this act, see Fowler's Bradford, p. CXX. This act was confirmed by the King, May 11, 1697. (See Fowler's Bradford, p. CXXXVI.)]

An Act for Regulating the Buildings Streets Lanes Wharfs Docks and Alleyes of the Citty of New Yorke.

[Passed, October 1, 1691.]

FORASMUCH as the Citty of New-Yorke the Metropolis of this Province was Cheifly Erected by the Inhabitants thereof for the propagating and Encouragement of Trade and Commerce and for the good benefite and welfare of their Majesties Subjects inhabiting within this province AND FORASMUCH as it is very necessary for Traffick and Commerce that buildings streets lanes wharfs docks and alleyes of the said Citty be conveniently regulated with uniformity for the accomodation of habitations shipping Trade and Commerce. And that all impediments and Obstructions that may retard so necssary a work may be removed BEE IT THEREFORE ENACTED By the Commander in Cheif and Council and Representatives mett in Generall Assembly and by the authority of the same That the Mayor Aldermen and Common Council of the said Citty shall and may at their will and pleasure Elect nominate and appoint one or more discreet and intelligent person or persons to be the surveyors or supervisors of their buildings streets lanes Wharfs docks and Alleys of the said Citty and to see that the buildings streets lanes Wharfs Docks and Alleyes of the said City be conveniently regulated with uniformity for the Accomodation of habitations shipping, Trade and Commerce according to such rules and Orders of Building and laying out of streets lanes wharfs Docks and Alleys, as shall be Established by the Mayor Aldermen and Common Council of the said Citty who are hereby authorized and impowered to make such rules and orders for the better regulation uniformity and gracefulnesse of such new buildings as shall be Erected for habitations and also for such streets lanes Wharfs docks and Alleys as shall be found Convenient for the good of the Inhabitants And it shall be lawfull for the Mayor Aldermen and Common Council or for the Mayor and Aldermen in their Court to Administer an Oath upon the holy Evangelists unto the Surveyors or super-

visors for the true and impartial Execution of their Office in that behalfe And whereas in the laying out of the new Lots for buildings some Contraversy may arise by a lott or lot or lotts of ground which if built upon would be very incommodious and prejudiciall to one of the principal streets of this Citty and hurtfull to the trade and health of the Inhabitants BE IT THEREFORE ENACTED by the Authority aforesaid That the Mayor Aldermen and Comon Council of the said Citty for the time being in Comon Council assembled shall and may and are hereby impowered and required to obstruct any building or buildings that may narrow the said street or any other Street within the said Citty And the said Mayor, Aldermen and Comon Council shall and may by virtue of this present Act Continue the said street commonly called the Broad street, according to its present dimensions and if in the doing thereof or in the laying out for the future any streets lanes Wharfs docks Alleys &c. they doe take any persons Grounds they are to give notice to the Owners or partyes interested in the ground to be so taken for the intent as aforesaid And to the end that reasonable satisfaction may be given for all such ground as shall be taken and imployed for the uses aforesaid the Commander in Cheife and Council may assesse the value of the lotts now in Controversy and for other ground the Mayor Aldermen and Comon Council shall and may treat and agree with the Owners and others interested therein and if there shall be any persons that shall refuse to Treat in manner aforesaid that in such case the Mayor and Aldermen in their Court are hereby authorized by virtue of this Act to issue out a warrant or warrants to the Sheriffe of the said City who is here by required to impannel and returne a jury before the said Court of Mayor and Aldermen which Jury upon their Oaths to be administred by the said Court are to inquire and Assess such Damages and recompence as they shall judge fit to be awarded to the owners and others interested according to their severall and respective Interests and Estates Of any such ground or any part thereof for their respective interests and Estates in the same as by the said Mayor Aldermen and Comon Council shall be adjudged fitt to be converted to the purposes aforesaid and such verdict of the Jury and Judgement of the said Court of Mayor and Aldermen thereupon and the payment of the sume and sumes of money so awarded or adjudged to the owners and others having Estate or interest or Tender or refusall thereof shall be binding to all intents and purposes against the said partyes their heirs Executors Administrators and Assignes and others

Claiming any Title or interest to the said ground and shall be a full authority to the said Mayor Aldermen and Comon Council to cause the said ground to be Converted and used for the purposes aforesaid anything contained herein or in any other law to the contrary hereof in any wayes notwithstanding, AND FORASMUCH as the filth and Soile of this said Citty lying in the publick streets thereof doth often prove A Comon nuisance unto the Inhabitants and Traders to and from the said Citty and very prejudiciall to their health for the removall thereof Bee it further Enacted by the authority aforesaid that the Numbers and places for all Comon Shoars Drains and vaults and the order and manner of paving and pitching the streets lanes and alleys of the said Citty shall be designed and sett out by the Mayor Aldermen and Comon Councill of the said Citty, together with the said surveyors and Supervisors appointed in manner aforesaid and when they Assemble shall have power and authority to order and direct the making of Vaults drains and Sewers or to cut into any drains or Sewers already made and for the altering inlarging amending cleansing and scouring of any vaults Sincks or comon Sewers and for the better Effecting whereof it shall and may be lawfull to and for the said Mayor Aldermen and Comon Council together with the said Surveyors and supervisors at their said meeting to impose any reasonable Tax upon all houses within the said Citty in proportion to the benefite they shall receive thereby for and towards the making cutting altering inlarging amending cleansing and scouring all and singular the said Vaults drains Sewers pavements and pitching aforesaid, and in default of payment of the said sume to be Charged it shall and may be lawfull to and for the said Mayor and Aldermen &c so authorized as aforesaid by order or warrant under their Hands and seals to levy the said sume and sumes of money soe assessed by distresse and sale of the goods of the partyes chargeable therewith and refuising and neglecting to pay the same rendring the Overplus if any be, ALWAYES PROVIDED AND BE IT FURTHER ENACTED by the Authority aforesaid that nothing herein Contained shall be Construed to Change alter shorten lengthen narrow or enlarge any of the streets alleys and lanes within this Citty as they are now laid out and remaine at the Publication hereof nor to break through any person's ground now in fence or enclosed or to take away any Person's houses or habitations any thing herein Contained to the Contrary hereof in any wise notwithstanding.

THE FIRST ASSEMBLY.

Third Session.

(Begun Apr. 20, 1792, 4 Wm. & Mary, Richard Ingoldsby, Commander in Chief.)

[CHAPTER 19.]

[Chapter 19, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Fowler's Bradford, p. 52. Title only is printed in Baskett, p. 12. Repealed by chapter 113.]

An Act for Destroying of Wolves.

[Passed, April 29, 1692.]

Bee it Enacted by the Comander in Cheife and Councill and Representatives convened in generall Assembly and by the authority of the same that for the Destroying of wolves who have lately encreased very much to the great discouragement of pasturage and encrease of Sheepe and cattle that whatsoever Christian shall kill a growne wolfe upon Long Island or staten Island he shall have for each wolfe that shall be killed twenty shillings to be paid out of the publick Treasury of each respective County where the wolfe shall be killed and For a wolfe whelpe above halfe a yeare old there shall be paid as aforesed tenn shillings and whatsoever Indian shall in like manner kill any wolfe shall have for his reward one match coate or twelve shillings and For a wolfe whelpe Five shillings to be paid him as aforesaid and if any other county in the province have a mind to encourage the destroying of wolves they shall doe it in such maner and way as to them shall Seeme meet and the Justices of the peace and other officers of the respective Countys aforesaid shall take Effectuall care to see this act & every Clause therein duely Executed accordingly.

[CHAPTER 20.]

[Chapter 20, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Fowler's Bradford, p. 46. Title only is printed in Baskett, p. 12. For note in reference to this act, see Fowler's Bradford, p. CXXII.]

An Act for the Raising of two hundred men with their Proper Officers for the secureing and reinforceing of Albany In the Frontiers of this Province.

[Passed, April 29, 1692.]

Whereas the forces lately raised for the Reinforceing and Secureing the Frontiers at Albany are not to continue in that

Service any longer than the first day of may next enuseing and forasmuch that it is Still absolutely Necessary for the Safety of all their Majestys Neighbouring Collonys and Plantations as well as for the Security of this province that there be and remaine att that place sufficient force for the Defence thereof and whereas the Present State and condition of this Province is such that they are not able at this time to make Sufficient Provision of men and money for the Reinforceing of that Place as is truely necessary for the maintaining so considerable a Post which is the only Bullwarke of Defence for all their Majestys Neighbouring Collonys and Plantations in this main of America yet that the said place may not be deserted nor the Indians who have been so constant to us discouraged Be it Therefore Enacted by the Comander in Cheife and Councill and Representatives Convened in Generall Assembly and by the Authority of the same that ye Commander in cheife doe Issue out his warrants to Cheife Military Officer in the Respective Cittys and Countyes undernamed for the raiseing two hundred men armed as the law Directs with their Proper Officers in such Proportion hereafter mentioned to consist and make two Distinct Companys of Fuzileers for the reinforcement and security of the ffrontiers of this Province in the County of Albany aforesaid which shall Continue and remain in the said County of Albany for the Security and Defence thereof for the time and Space of five months to commence on the first day of may next and to end and terminate on the first Day of October then following And farther Be it Enacted By the Authority aforesaid that if any Persons or Persons who in pursuance of such warrant or warrants to be by the commander in Cheife Issued out to the Cheife Military Officer of each Respective Citty and County and Countys as aforesaid shall be warned to apeare In armes in order to the Raiseing of two hundred men aforesaid Shall Neglect Delay or Refuse to Apear or otherwise absent him or themselves from the place or places they shall Respectively be Summoned and warned as aforesaid to apear at, the person or persons so Neglecting Delaying or refuseing to appear or otherwise Absenting him or themselves shall forfeite the Sume of five pounds currant money to be levied by Distress by A warrant under the hand and seale of any Justice of the Peace within this Province on the goods and Chattles of Every such Person or Persons so Offending as aforesaid upon A Certificate of Such Default from the Captaine or cheife Officer of such Company in or to which the said Offender shall be Listed or Belong under his hand and Seal which said

sume of five pounds shall Be Employed for the encouragement and raiseing the Quota of men by this Act in each respective Citty & County or Countys to be raised as aforesaid and in case such Person or Persons so Offending as aforesaid shall not have goods and chattles to be found to pay and satisfie the sume of five pounds aforesaid Such Person or Persons upon such certificate and by such Warrt as aforesaid Shall be Comited to the Common Goale of the same County or Citty & Countyes there to remaine without Baile or Mainprize for the space & Terme of five months or untill he or they shall pay and Satisfie the Sume of five pounds aforesaid and for the paying and maintaining the said two hundred men and their proper Officers Be it Further Enacted by the Authority aforesaid that A levy of one thousand five hundred pounds Currant money of this Province Be laid Assessed Raised and Levied upon all and every of the Inhabitants Residents and Freeholders of and in this Province for the Paying and maintaining of the said two hundred men and their proper Officers for five months as aforesaid and for no other use intent or Purpose Whatsoever to be layed assessed Raised and levyed and paid to their Majesties Collector and Receiver Generall for the time being at their Majestes Custome house in the Citty of New Yorke on the first day of September next ensueing which is in this Instant year of our Lord one thousand Six hundred ninety and two according to the Rates and Proportions ffollowing that is to say, for the Citty and County of New York three hundred fourty five pounds for the paying and maintaining fourty six men being their Quota and proportion of the two hundred men aforesaid for the County of Westchester one hundred twenty seaven pounds ten Shillings for the paying and maintaining seaventeen men being their Quota & Proportion as aforesaid For the county of Richmond Sixty Seaven pounds tenn Shillings for the paying & maintaining nine men being their Quota and Proportion as aforesaid For the County of Ulster and Dutchess County two hundred and ten pounds for the paying and maintaining twenty eight men being their Quota and Proportion as aforesaid for the County of Suffolk three hundred pounds for the paying and maintaining fourty men being their Quota and Proportion as aforesaid For Kings County two hundred and ten pounds for the paying and maintaining twenty eight men being their Quota and Proportion as aforesaid For Queens County two hundred twenty five pounds for the paying and maintaining thirty men being their Quota and Proportion as aforesaid for Orange County fifteen pounds for the paying and maintaining two men being their Quota and proportion as aforesaid And Also Be it Enacted by the

authority aforesaid that Such Sume or Sumes of money of the Severall Sumes of two thousand and fifteen hundred pounds Lately Raised By Act of Generall Assembly for the paying and Defraying the Charge of two hundred and fifty fusileers with their Officers raised for the Security and Defence of Albany which Doth and shall Remain undisposed of and not imployed for the Uses aforesaid Shall be laid out and Applyed towards ye Defraying the incidentall Charges & Expence which Shall or may happen to be Occasioned by the raising Transporting and maintaining of the two hundred Fusiliers with their Proper Officers Before in this Act mentioned and Expressed And Bee it Further Enacted by the Authority aforesaid That for the better Assessing Raiseing and Paying the Sume of One thousand five hundred pounds aforesaid the Mayor and Aldermen Within the Citty of New York For the time being and the justices of the peace for the time being for the Severall and Respective Countys aforesaid for the Severall Countys Respectively for which they shall Bee justices of the peace Doe within fourty Days after the publication hereof Assemble and meet togther in the Court houses for the Severall Respective Cittys and Countys or such other place or places as they shall agree upon amongst themselves and shall there Order that the Assessors and Collectors for the Severall and Respective Cittys Townes Mannors and Libertyes within their Severall Jurisdictions for the Assessing Collecting and Receiveing of the Publick Rates for Defraying the Publick and necessary Charge of each Respective Citty and County aforesaid by the Assessors and Collectors for the Assessing and Collecting and Receiveing of the Sume or Sumes of Money herein before mentioned according to the Proportions before Expressed as to the said Mayor and Aldermen & Justices Shall Seem meet and Reasonable and forasmuch as there are severall mannors and Jurisdictions, Within the Respective Countys aforesaid who neglect and Do not Elect Annually or once A Yeare Assessors and collectors whereby the Intent of this act may be frustrated Bee it Therefore Enacted By the Authority aforesaid that if the Respective mannors and Jurisdictions within the Severall Countys aforesaid shall Refuse or neglect to Elect Assessors and Collectors for the Assessing of their Respective Mannors and Jurisdictions and for the Collecting the Same According to the Intent and Directions of this act then and in such case the Justices of the Peace of the Countys where Such Mannors or Jurisdictions are, are hereby Impowered and Authorized to nominate and Appoint Assessors and Collectors for such Mannors and Jurisdictions as shall Neglect and Refuse as aforesaid, Which assessors and

Collectors Shall to all Intents and Purposes Observe the Directions of this Act any thing contained herein to the contrary hereof in any wayes notwithstanding. And Bee it further Enacted by the Authority aforesaid that the Said Mayor Aldermen & Justices of the peace for the Respective Cittys and Countys mannors and Jurisdictions have and Shall have power and Authority by Virtue of this Act each of them by himself to Administer an Oath to the said Assessors well truely, equally, and impartially and in due proportion as it Shall appeare to them according to their best understanding to Assess and rate the Inhabitants Residents and Freeholders of the Respective places for which they Shall be chosen Assessors And Bee it further Enacted by the Authority aforesaid that if any person or persons who shall Be chosen Assesors and Collectors Shall Deny Neglect or unequally or partially Assess or refuse to make Such Assessment as by this Act is required or shall Deny Neglect or Refuse to Collect any Sume or Sumes of money in forme before mentioned Assessed that then and in Such Case it Shall and may be Lawfull For any two Justices of the Peace of the Cittys and Countys where Such Offenders shall happen to dwell or reside and who by virtue of this Act are required and Impowered to do the same by warrt under their hands and seales to Commit such Assessor or Assessors Collector or Collectors so Denying Neglecting or unequally and partially assessing or refusing to collect as aforesaid to the Common Goale there to remaine without baile or mainprize till he or they shall make fine or ransom to their Majestys for such contempt as aforesaid and be it further Enacted by the Authority aforesaid that if any person or persons of what Degree or Quality soever he or they be within this Province who shall be Assessed or rated any sume or sumes of money by Virtue of this Act to be raised and Levyed Shall Deny Refuse or Delay to pay and Satisfie the same that then it Shall and may be Lawfull for any Such Collector by virtue of A warrant under the hand and Seale of any Justice of the Peace for the Citty or County where Such Offenders shall Dwell or reside who by Virtue of this act are Required and Authorized to grant and Issue forth such warrant to Levy the same by distress and saile of Such Person or Persons goods and Chattles Returning the overplus if any there be to the owners the Sume assessed, and charges of Distress and saile being first Deducted and alsoe Be it Further Enacted by the Authority aforesaid that if any mayor Alderman or Justice of the Peace within this Province who are hereby Required Impowered and authorized to take Effectuall care that this Act and every Article and Clause therein be Duely Executed According to

the True intent and meaning thereof shall Deny refuse Neglect or Delay to Doe Performe fullfill and Execute all and every or any the Dutys Powers and Authoritys by this Act Required and impowered by him or them to be done performed, fullfilled and executed and Shall thereof be Convicted before the Commander in Cheife and Councill or before any of their Majestys Courts of Record within this Province he or they Shall Suffer such pain by fine & Imprisonment as by the Discretion of the said Commander in Cheife and Councill and the Justices of the said Courts shall be adjudged and whereas there hath been great Neglect in the Justices of the Peace Collectors and Assessors who have Delayed Executeing their Respective Dutys According to the true Intent and meaning of the former Acts made in severall Sessions of this Present Assembly for Prevention of the like for the future Bee it further Enacted by the Authority Aforesaid that if any of the Respective Cittys and Countys aforesaid Shall Refuse Neglect or Delay to have their Respective Quota or Proportions of men at the Citty of New York or at the City of Albany on or before the twentieth day of May now next ensueing Pursuant to the warrt Directed to them from the Commander in Cheife as aforesaid and also that if any of the Respective Cittys and Countys aforesd shall Refuse Delay or neglect to make payment of the severall and Respective Sums or Proporcons of money by them Respectively to be paid as aforesaid at the time and place above mentioned and Appointed that then and for every Day after the Said Day aforementioned and Appointed for the payment thereof & until the whole Sum and Proportion of each Respective Citty and County Shall be fully paid and Satisfied such Citty and County or Countys yt shall be Defective therein shall each and every of them forfeit and pay for the Intent aforesaid the farther sume of five pounds currant money aforesaid for each Days Default or Neglect of having their Quota of men or payment of their Respective proportions at the Days and times appointed as aforesaid and for the enabling the Commander in Cheife to borrow money or to agree for Provisions for the maintaining of the two Companys aforesaid that the purposes of this act may be truely Attended and Executed, Bee it Enacted by the Authority Aforesaid that it Shall and may be Lawfull for any Person or Persons to Advance and lend to the Commander in Chiefe &c upon the Credit of this Act any Sume or sumes of money not exceeding the sume of seven hundred pounds and to have and Receive for the forbearance of all such money as shall be lent Interest not exceeding the Rent of tenn Pr Cent Pr Annum and to the end that all moneys and provisions

wch shall be so lent to the Commander in Chiefe &c may be well and sufficiently secured out of the moneys arising and payable by this Act with the Interest for the Sum not Exceeding tenn Pr Cent Pr Annum as aforesaid. Bee it further Enacted by the Authority aforesaid that their Majestyes Collector and Receiver Generall for the time being shall separate and keep apart all the money ariseing by the rates and proporcons hereby granted as the same shall arise or be paid unto him by the Receivers or Collectors of the same or by any other person whatsoever keeping a perfect and distinct Account as the same shall come in, which sume or sumes of money so by him Received as aforesaid shall not be separated nor paid unto any other person or persons whatsoever, but unto such who shall lend any money to the Comd in Chiefe &c upon the Credit of this Act who shall Imediately have a warrant and an order for his repaying & bearing the same date in which he paid his money wherein shall be likewise Contained the Interest for forbearance and that all orders for Repayment shall be Registered in Course According to the Date of the warrant Respectively without Preference of one before an other and that all & every person or persons shall be paid in Course according as their Orders Shall Stand registred or Entred and that the moneys to come in by This Act Shall be in the same order Lyable to the satisfaccon of the said Respective Partyes their Executors Administrators or Assigns Successively without Preference of one before an other and not otherwise, and not be divertable to any other use intent or purpose whatsoever, And Bee it further Enacted by the Authority aforesaid that if any action bill plaint or information shall be brought moved or presented at any time hereafter against any person or persons for any matter Cause or thing done or acted in Pursuance or execution of this Act Such Person or Persons so sued or Prosecuted in any Court whatsoever Shall and may plead the generall Issue not Guilty and give this Act and the speciall Matter in Evidence and if the Plaintiff or Prosecutor Shall be nonsuited or forbear Further Prosecucon or suffer Discontinuance or Verdict to pass against him the Defendant or Defendants Shall Receive Triple Costs for which they shall have the like Remedy as in case where Costs by the Law are give to Defendants Provided Always that noe mayor Alderman or Justice of the Peace shall be troubled Sued prosecuted or molested for any Omicon Offence or Neglect by Virtue of this Act but within the space of one year After such Omicon offence or neglect and not at any time thereafter any thing Contained herein to the Contrary hereof in any wayes Notwithstanding. Alwayes Provided and Bee it Further Enacted by the Authority aforesaid that the

Severall Collectors of each Respective Citty and County as aforesaid Shall have Liberty to pay the Severall and Respective Sumes assessed as aforesaid at the Day aforesaid in Currant Silver money or for want thereof in good Sufficient and merchantable Provisions at the Currant Mercate price in silver money att New Yorke any thing contained herein to the Contrary hereof in any wayes notwithstanding.

THE FIRST ASSEMBLY.

Fourth Session.

(Begun Aug. 17, 1692, 4 Wm. & Mary, Benjamin Fletcher, Governor.)

[CHAPTER 21.]

[Chapter 21, of Livingston & Smith and Van Schaack, where the title only is printed. The act is printed in full in Fowler's Bradford, immediately after p. 84 Title only is printed in Baskett, at p. 19, as having been passed in 1693. The act is printed in full as having been passed in 1693, in Bradford's, 1710, ed., p. 18; Bradford's, 1715, ed., p. 18, and Bradford's, 1732, ed., p. 15. It appears from the Minutes of the Council, that the act was signed by the Governor, September 10, 1692. Baskett states that the act was repealed by the Crown, May 20, 1708. This act was supplied by ch. 67. For note in reference to this act, see Fowler's Bradford, p. CXXXI.]

An Act for the restraining and punishing Privateers and Pirates.

[Passed, September 10, 1692.]

Whereas nothing can more contribute to their Maties Honour than that such articles as are concluded and agreed on in all Treatyes of peace should by all their Maties Subjects according to their duty be most inviolably preserved and kept in and over all their Maties Dominions and Territoryes And Whereas against such Treatyes of peace made between their Maties and their Allyes severall of their Maties Subjects doe continually saile under Commicons of Forraigne Princes and States Contrary to their duty and good Allegiance and by fair means cannot be restrained from soe doing Bee it therefore Enacted by the Governour Council and Assembly and it is hereby Enacted by the Authority of the same that from and after publicacon hereof It shall be felony for any person which now doth or hereafter shall inhabite in or belong to this Province to Serve in America in an hostile manner under any fforraigne Prince State or Potentate in Amity with their Maties without Speciall lycence for soe doing

under the hand and Seal of their Maties Governour or Commander in Cheife of this Province for the time being and that all and every such Offender or Offenders contrary to the true intent of this Act being thereof duely convicted in their Maties Courts of Judicature within this Province to which Courts Authority is hereby given to hear and determine the same as other Cases or felony) shall suffer pains of death without benefitt of the Clergy Provided Neverthelesse that this Act not any thing therein contained shall Extend to any person or persons which now are or [have been in the service or imployment of any Forraign Prince State or Potentate whatsoever that shall returne to this Province and leave and desert such service and Employment before the first day of September next Ensueing rendring themselves to their Matyes Governour or Commander in Chiefe for the time being and giving such security as he shall appoint for their future good behaviour and alsoe that they shall not depart this Province without the lycence of their Maytes Governour or Commander in Chief. And for the better and more speedy Execucon of Justice upon such who having Committed Piracyes felonyes and Other Offences upon the sea shall be apprehended in or brought Prisoners to this Province Bee it further Enacted by the authority aforesaid That all felonyes piracies robberyes murders or confederacyes committed or that hereafter shall be Committed upon the Sea or in any haven Creeke or bay within the Jurisdicon of the Admiralty shall be inquired tryed heard determined and Judged in Such forme as if such Offence had been committed in and upon the land And to that end and purpose Commiccon shall be had under their Matyes Seal of this Province directed to the Judge or Judges of the Admirality of this Province for the time being and to such other substantiall persons as by their Maties Governour or Commander in Cheife of this Province for the time being shall be named or appointed which said Commiconers or such a quorum of them as by such Commicon shall be thereunto authorized shall have full power to doe all things in and about the inquiry hearing determining adjudging and punishing of any of the Crimes and Offences aforesaid as any Commiconers appointed by Commicon under the Great Seal of England by Virtue of a statute made in the twenty eight year of the reigne of King Henry the Eighth are impowered to do and Execute within the Kingdome of England And that the said Offenders which are or shall be apprehended in or brought prisoners to this Province shall be lyable to such order processe Judgment and Execucon by virtue of such Commicon to be grounded upon this Act as might be awarded or given against

them if they were proceeded against within the realme of England by virtue of any Commicon grounded upon the said Statute Be it further Enacted by the authority aforesaid, That all and every person or persons that shall any way knowingly Entertain harbour conceale trade or hold any correspondence by Letters or otherwise with any person or persons that Shall be deemed or Judged to be privateers pirates or other Offenders within the construccon of this Act and shall not readily Endeavor to the best of his or their power to apprehend or cause to be apprehended such Offender or Offenders shall be liable to be prosecuted against as accessaryes and confederates and to suffer such pains and penaltyes as in such case by law is Provided And for the better and more Effectuall Execucon of this Act Bee it further Enacted by the authority Aforesaid That all Commicon Officers in their severall precints within this Province are hereby required and impowered upon his or their knowledge or notice given that any Privateers Pirates or other persons suspected to be upon any unlawful design are in any place within their respective precincts to raise and levy such a number of well armed men as he or they shall think needfull for the seizing apprehending and carrying to Goal all and every such person and persons and in case of any resistance or refuisall to yield Obedience to their Maties Authority it shall be lawfull to kill or distroy such person or persons and all and every person or persons that shall oppose or resist by striking or firing upon any of the Commanded partyes shall be deemed taken and adjudged felons without benefite of the Clergy and every such Officer that shall Omitt or neglect his duty herein shall forfeit fifty pounds Currant money of this Province for every such Offence to be recovered in any of their Maties Courts of Record within this Province by Bill Plaint or Informacon wherein noe Essoine wager of Law or protection shall be allowed One moiety thereof to be to their Maties their heirs and Successours for and towards the Support of the Government of this Province and the contingent charges thereof and the other moiety to the Informer And all and every person and persons that upon orders given him or them shall refuise to repay immediately with his or their arms well fixed, and ammunicon to such place or places as shall be appointed by any Superiour Officer or Officers and not readily Obey his or their Commands in the Execucon of the premisses shall be liable to such fine or corporall punishment as shall be awarded against them within the Courts to which the recognizance of the fact doth belong.

[CHAPTER 22.]

[Chapter 22, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Fowler's Bradford, p. 53. Title only is printed in Baskett, p. 18. For note in reference to this act, see Fowler's Bradford, p. CXXII.]

An Act for the Raiseing and Paying of two hundred and twenty men with their Proper Officers together with the Incidentall Charges that Shall arise thereon for the reinforcemt and Security of the frontiers of this Province at Albany for Seaven Months.

[Passed, September 10, 1692.]

Whereas the Levyes appointed for the Defence of the Frontiers of this Province at Albany Doe expire on the first day of October next and that it is absolutely Necessary that their should be continued at that place A Considerable Force for the security of this province as well as for the necessary defence of their majesties neighbouring plantations Bee it Therefore Enacted By the Governour Councill and Representatives convened in Generall Asembly and by the Authority of the same that his Excellency the Captaine Generall Doe Immediately upon the publicacon hereof Issue out his warrants under his hand and seale to the severall & respective Military Officers of the severall and respective Countys hereafter named for the raising of two hundred and twenty men well provided with armes to be peremtorily at Albany on the First day of October next Ensuing and there to continue and remain for the reinforcment and security of this province for the time and Space of Seaven Kalendar Months to commence on the said first day of October and to Expire on the first day of May then next ensuing in such Quotas and proportions in each respective County as is hereafter specified and Expressed to witt, for the Citty and County of New Yorke Sixty effective men, for the County of Westchester twenty five Effective men, for the County of Richmond Ten Effective men, for Kings County four and thirty Effective men, for Queens County fourty four Effective men for the county of Suffolk fourty five Effective men for the County of Orange two Effective men. And Bee it Further enacted by the authority aforesaid that if any of the Respective military Officers in the Respective countys aforesaid shall after the receipt of the warrants From the Captain Generall in manner aforesaid faile neglect refuse or delay to Execute the said warrants according to the true intent and meaning thereof shall for such their failure or neglect Refussall

or delay Answer the same Before the captain Generall or such other Officers as he shall appoint and there suffer such Mulcts, Pains and punishments as by the Captaine Generall Shall be thought convenient, According to the Laws And Articles of warr in that case made and provided in their majesties Realme of England any thing contained herein or in any other Law to the Contrary hereof in any wayes notwithstanding and for the paying and maintaining the said two hundred and twenty men and their proper Officers, be it Enacted by the authority aforesaid that a Levy of two thousand eight hundred and sixty pounds currant money of this province be Laid Assessed Raised and Levyed upon all and every the Inhabitants residents and Freeholders of and in this province for the paying and maintaining of the said two hundred men twenty men and their proper Officers together with the Incidentall charges that shall arise thereon for seaven Kalendar months as aforesaid and for noe other use intent Or purpose whatsoever to be lay, Assessed Raised Levyed and paid to their majesties Collector and Receiver Generall for the time being at their Majesties Custome house in the Citty of New Yorke on the first day of Aprill next ensueing Which will be in the yeare of our Lord one thousand six hundred ninety and three According to the Rates and proportions Following that is to say For the Citty and County of New Yorke Seaven hundred & eighty pounds for the paying and maintaining of sixty men being their Quota and proportion of the two hundred and twenty men and Officers as aforesaid for the County of Westchester three hundred twenty and five pounds for the paying and maintaining of twenty five men being their Quota and proportion as aforesaid for the County of Richmond one hundred and thirty pounds for the paying and maintaining of tenn men being their Quota and proportion as aforesaid, for the County of Suffolk five hundred eighty and five pounds for the paying & maintaining of forty five men being their Quota and proportion as aforesaid, for Kings County four hundred fourty and two pounds for the paying and maintaining of thirty four men, being their Quota and proportion as aforesaid for queens County five hundred seaventy and two pounds for the paying and maintaining fourty four men being their Quota and proportion as aforesaid, for Orange County twenty six pounds for the paying and maintaining of two men being their Quota and proportion as aforesaid And be it further enacted by the authority aforesaid that for the better Assessing raiseing and paying the sume of two thousand eight hundred and sixty pounds Aforesaid the Mayor and Aldermen within the Citty of New Yorke for the time being

and the Justices of the peace for the time being for the severall and respective Countys aforesaid for the severall Countys Respectively for the which they shall be justices of the peace do within fourty days after publication hereof Assemble and meet together in the Court houses for the severall Respective Cittys and Countys or such other place or places as they shall Agree upon amongst themselves and shall there order that the Assessors & Collectors for the severall and respective Cittys Towns mannors and Libertys within their severall Jurisdictions for the Assessing Collecting & Receiving of the publick rates for the defraying the publick and necesary charges of each Respective Citty and County aforesaid Be the Assessors and Collectors for the Assessing Collecting and receiving the sume or Sumes of money hereinbeforemenconed according to the proporcons before Expressed as to the said Mayor and Aldermen and justices shall seem meet and reasonable And Forasmuch as their are severall mannors and Jurisdicons within the severall countys Aforesaid who neglect and do not elect annually or once every year Assessors and Collectors whereby the Intent of this act may be frustrated. Bee it Therefore Enacted by the authority aforesaid that if the Respective mannors and jurisdiccons within the severall Countys aforesaid Shall Refuse or neglect to elect assessors and Collectors for the Assessing of their Respective mannors and Jurisdiccons and for the Collecting the same according to the Intent direccons of this act then and in such Case the Justices of the peace of the Countys where such mannors and jurisdiccons are, are hereby authorized to Nominate & appoint Assessors and Collectors For such mannrs and jurisdiccons as shall neglect or Refuse as aforesaid Which Assessors and Collectors shall to all Intents and purposes Observe the Direccons of this act Any thing contained herein or in any other Law to the Contrary hereof in any wayes notwithstanding And be it Further Enacted by the Authority aforesaid that the said Mayor and Aldermen and justices of the peace for the spective Cittys and Countys Mannors and jurisdiccons have and shall have Power and authority by Virtue of this Act each of them by himself to Administer an Oath to the said Assessors Well, truely Equally, Impartially and in due proporcon as it shall Appear to them According to their best understanding to Assesse and rate the Inhabitants, residents and Freeholders of the Respective places for which they shall be chosen Assessors and be it further enacted by the authority aforesaid that if any person or persons who shall be Chosen Assessors or Collectors shall Deny, Neglect, or Refuse Unequally or partially Assess, or Refuse to make such Assessment as by this Act is Required

or Shall Deny, Neglect or Refuse, to Collect any sume or sumes of money in forme before menconed Assessed that then and in such case it shall and may be Lawfull for any two Justices of the peace of the Cittys and Countys where such Offeneder shall happen to Dwell or Reside and who by Virtue of this Act are Required and Impowered to do the same by warrt under their hands and seales to Commit such Assessor or Assessors Collector or Collectors so denying, neglecting or unequally & Partially Assessing to the Common Gaole there to remaine without baile or mainprize till he or they shall make fine or ransom to their Majesties for such their Contempt as aforesaid. And Bee it further Enacted by the authority aforesaid that if any Person or Persons of what Degree or Quality soever he or they be within this Province who shall be Assessed or Rated any sume or sumes of money by virtue of this Act to be raised & leveyed shall Deny, Refuse or Delay to pay and Satisfie the same that then it shall and may be Lawfull for any such Collector by Virtue of A warrt under the hand and seale of any Justice of the Peace for the Citty and County Where such Offender shall dwell or reside who by Virtue of this act are Required and Authorized to Grant and Issue Fourth Such warrt to levy the same by distress and sale of such Person or Persons Goods and Chattles Returning the overplus if any be to the owners the sume Assessed & the Charges of Distress and sale OF SUCH PERSON OR PERSONS. and also be it further Enacted by the Authority aforesaid that if any Mayor Alderman or justice of the peace within this province Who are hereby Required Impowered and Authorized to take Effectuall Care that this Act and Every Article and Clause therein be Duely Executed According to the true Intent AND MEANING therof Shall Deny Refuse Neglect or delay to do, performe fullfill, and Execute all and every or any of the Dutys, Powers and Authoritys by this Act required and Impowered by him or them to be done Performed Fulfilled and Executed and shall therof be Convicted before his Excells THE GOVERNOR and Captaine Generall and Councill and the Justices of the said Courts shall be adjudged And be it further Enacted by by the Authority aforesaid that if any Accon, Bill, Plaint or Information Shall be brought moved or presented at any time hereafter Against any Person or persons. So sued or prosecuted in any court or Acted in pursuance or Execucon of this Act Such Person or Persons So sued or prosecuted in any Court whatsoever shall and may plead the Generall Issue not guilty and give this Act and the Speciall matter in Evidence and if the Plaintiff or Prosecutor shall be nonsuited or forbear Further prosecucon or suffer discontinuance or verdict to pass against him the defendant and defendants shall Receive triple

Costs for which they shall have the Like Remedy as in case where Costs by the Law are given to defendants Provided allwayes that no mayor Alderman or justice of the peace shall be troubled sued, or molested for any omicon Offence or neglect by Virtue of this Act but within the space of one year after such omicon Offence or neglect and not at any time hereafter any thing contained herein or in any other law hereof In any wayes notwithstanding Allwayes provided and Be it Further Enacted by the Authority Aforesaid that the severall Collectors of Each Respective Citty and County as aforesaid shall have Liberty to pay the severall and Respective sumes Assessed as aforesaid in Currt silver Money at New Yorke or for want thereof in good Sufficient and Merchantable Provisions at the Rates and Prices hereafter specified and Expressed to Witt, good and Merchantable Porke at the Rate of fifty shillings Pr Barrll the Barrell well Repackt by the sworne packer at New Yorke and the Barrll Conteining thirty one gallons and a halfe Winchester Measure at Least, Beefe at the Rate of thirty two shillings and six pence Pr Barrill Well Repackt by the Sworne Packer at New Yorke aforesaid the Barrill to conteine thirty one Galons & halfe Winchester measurer at Least, Good Merchantable Winter Wheat at four Shill: Pr Bushell, Tryed Tallow at four pence halfe pennce pr pound.

[CHAPTER 23.]

[Chapter 23, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Fowler's Bradford, p. 57. Title only is printed in Baskett, p. 18. The act expired March 1, 1692. For note in reference to this act, see Fowler's Bradford, p. CXXII.]

An Act for the raiseing of eighty men in Ulster & Dutchess County to be Employed for the Reinforceing and security of Albany from the fifteenth day of December next to the first of March then Ensuing.

[Passed, September 10, 1692.]

Whereas the County of Ulster & Dutchess County are Excused from their Quotas of three hundred men they Are to Provide Eighty men for the Reinforcemt of Albany in the time of the most eminent Danger Be it Enacted by the Governour and Councill and Representatives Convened in Generall Assembly and by the Authority of the same that the Governour do Issue out his Warrts under his seale to the Military Officers of Ulster and Dutchess County to Levy eighty effective men with their Armes, to be peremptorily at Albany on the fifteenth day of December next there to Continue & Remain for the reinforcemt Security and Defence of the ffrontiers there untill first Day of March then

next ffolloweing and also that the Capt Generall would forme the said Number eighty Effective men into such Companies as he shall think Convenient and to Commiconate and Appoint so many officers over them as he shall think needfull in the said County and Be it Further Enacted by the Authority aforesaid that the said Counties of Ulster and Dutchess County shall at their owne proper Costs and Charge well and Sufficiently provide that the said eighty Effective men be well and sufficiently provided with, beer, bread and meat and ammunicon dureing ye time that they shall be Employed in the service Aforesaid and also take Effectuall Care that all and every of the said Effective men be well paid according to the Kings Establishment after the Expiracon of the said Service, and Likewise that they shall be employed in the service aforesaid under such officers as shall be commiconated, and Apointed over them According to the Establishment aforesaid, And Be it further Enacted by the Authority aforesaid that if any officer Civill or military within ye Said Countys shall Delay, Neglect or Refuse to Performe and Execute the Severall & Respective Articles and Clauses of this Act according to the true Intent and meaning thereof he or they so Neglecting, Refuseing or delaying shall be Lyable to such Penalties, Respectively as are in Case of Such Refusall, Neglect or delay Provided in the other Act of this Present Sessions, Intituled An Act for the raiseing and paying of two hundred men &c.

THE SECOND ASSEMBLY.

First Session.

(Begun Oct. 26, 1692, 4 Wm. and Mary, Benjamin Fletcher, Governor.)

[CHAPTER 24.]

[Chapter 24, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Fowler's Bradford, p. 58. Title only is printed in Baskett, p. 18. For note in reference to this act, see Fowler's Bradford, p. CXXII. The act was continued by ch. 34.]

An Act Establishing a Revenue upon their Majesties for the defraying the publick and necessary Charges of the Government.

[Passed, November 11, 1692.]

The Representatives of their Majesties Province of New York, convened in generall Assembly takeing into their consideracon

that the Act made for the establishing a Revenue for the defraying the Publick charge of the Province doth expire and terminate according to the Limitacon in the said Act made and Provided on the eighteenth day of May next and they being likewise sensible of the great and urgent Occasions which doth dayly press their Majesties to an Extraordinary Expence, for the defence of this their Province and Dominion against the designes and Invasion, of the Common Enemy. And finding it also necessary that in this time of soe great and Eminent danger that their Majesties governmt over this Province should be honourely supported and maintained. They in most thankfull acknowledgment of their Majesties Tender care, of the wellfair of their subjects in this Province have chearfully and unaminously for the Purposes aforesaid, given and granted and do hereby give and grant to their Majesties, the severall rates and duty's of Excise hereinafter menconed And doe most humbly beseech that it may be Enacted. And be it therefore Enacted by the Governour and Councill and Representatives now met in generall Assembly And by the authority of the same that from and after the eighteenth day of May next which will be in the year of our Lord 1693, there shall be throughout this their Majesties Province of New York and the terrytorye's depending thereon in America Raised, Levied, Collected, and payd for the Purpose and Intent aforesaid dureing the Space and terme of Two year's from the eighteenth day of May aforesaid and no Longer the Rates and duty's of Excise hereinaftermenconed In manner and form following (that is to say) for every Galland of rum brandy and distilled Liquors that shall be imported into this Province and dependancyes aforesaid the sume of four pence Currant mony of this Province, and for every pipe of Madera, mamsey, ffeyall, St. Georges, Pisada, Canary, Malaga, Sherry, and all Sort's of Sweet wynes the Summe of forty shillings Currant mony aforesaid and So in Prporcon for all greater and Smaller Quantityes imported as aforesaid and for every hogshead of red, white and Rhenish wynes the sume of twenty shillings Currant mony aforesaid, and so in ppcon for all greater and smaller quantity's imported as aforesaid and upon all other Merchandises imported into this Province and dependancies aforesd the sume of forty shillings Currant mony, aforesaid, for every hundred pound prime cost's except these hereafter specifyed (vist) salt, brick, pantyle Coales, ffish sugar, Mallassoes, Cotten, Woll, ginger, Logwood, Brazeletto, Fustick or any other sort or dying wood, West India hydes, Tobacco, Bullion, Plate, Cocoa, Pork, Oyle, Tar, flax, soap, Candles, Tallow, Cheese, butter, Beef, whaleboan. hop's, Apples, Pears, Syder, fyrewood, Planks, boards, Peltry,

beaver, sheep's, wool, Onyon's, dressed and undressed Deer skins, hony, beese wax, baywax, Indian corn, wheat, Barly, Rye, Peese, or any other sort of grain, or any other thing of the groath and production of our neighbouring Collony's and Plantacons in America, And be it further Enacted by the authority aforesaid that there be also given and granted unto their said Majesties for the intent aforesaid upon all Merchandises commonly called by the Name of Indian Goods as duffields, stroud's Blankett's plains, halfe thicks, woolen stockings, white osend kittles, hatchet's, hoes, Redlead, Vermillion, Cotten, red kersey's knives, Indian Haberdashery, and other Indian goods the sume of five pounds Currant mony aforesaid for every hundred pound's prime cost which shall be imported into this Province and dependencies aforesaid over and above the forty shillings for every hundred pounds Prime costs before given and granted to their Majesties by this present Act, and that the vallue of the prime cost shall be at the rates hereafter menconed (vist) Indian duffields to be vallued at two shillings and four Pence P yard, Indian strouds halfe a peace four pound's, a whole peece eight pound's, Indian Blanquetts each piece four pound's, Indian plain Cotten eighteen pence P yard, half thicks two shillings and two Pence P yard Indian white ossend the English ell, eight pence, Indian Kettles under eight gallons the hundred weight six pound's Indian hatchet's the dozen twelve shillings, Indian hoes the dozen twelve shillings, redled each hundred weight twenty shillings, Vermillion each pound four shillings, Cotten P yard sixteen pence, red kersey P yard two shillings and Six pence, knifes P dozen three shillings, Indian shurt's P dozn twenty shillings, Indian drawing knifes, looking glasses, Indian wooden Comb's, Indian Beed's, tobacco in roll, Indian bells, sizers, Jews harps, Indian Points, drills, tobacco Pipes, little painted boxes, Aules, sword, blades, Copper tobacco boxes, Tinsey Lace, Indian gimp Lace, needles, tobacco tongues, Indian powder horn's, Indian woolen stockings, and Indian steel's, the sume of six pounds Currant mony aforesaid over and above the two P Cent aforesaid for every hundred pounds vallue prime cost, And be it further enacted by the authority aforesaid that there be also given and granted to their Majesties for the intent aforesaid for every barrell of powder six shillings, for every hundred pounds of lead six shillings for every gunn with or without a Lock six shillings, for every gallon of rum four pence currant mony aforesaid, which shall be carried up Hudsons River in any Vessel sloop or Canoe or any other way whatsoever, And be it further Enacted by the authority aforesaid that there be also given and

granted unto their said Majesties for the Ppose aforesaid the duty's of Excise upon all Liquors Retailed throughout the Pvince and dependency's aforesaid under the quantity of five gallons, the sume of twelve Pence Currt mony aforesaid for each gallon so retailed (beer and Syder only excepted) and likewise the sume of six shillings for each barrell of beer and Syder sold by retaile throughout the Pvince And it is further Enacted by the authority aforesaid that there be given and granted unto their said Majesties for the use aforesaid a rate and duty upon the furrs and Peltree, hereafter mentioned that shall be exported out of this Pvince and dependency's (that is to say) for every beaver skinn, commonly called a whole beaver the sume of nine Pence Currant mony aforesaid, and that all other furr's and Peltry be rated and vallued accordingly that if to say two halfe beavers the sume of nine pence Currant mony aforesaid for four Lapp's nine pence, for three drillings eighteen pence for tenn raccons nine pence for four foxes nine pence for four fishers nine Pence, for five Cat's nine pence, for six minks nine pence, for one Otter six pence, for two bare skins nine pence, for twenty four musk rats nine pence, for tenn matter's nine Pence for every four and twenty pound's of deer and mouse skinns nine pence and for every Oxe, bull and Cow Hide sloughtered in the Province, and dependancy's six pence and all other Peltree to be vallued to a whole beaver nine Pence And for the due and orderly Collecting of the aforesaid Rates and duty's of Excise And also for preventing of frauds and Embezelments of the said rates & duty's of Excise Be it further Enacted by the authority aforesaid that all ships and Vessells whatsoever that shall come to any Port Creek or harbour within this Province and dependencies to trade or traffique, the Master, Mate or Purser shall come to such place or places as shall be appointed By the Governour for the time being and there make report of all such Parcell or Parcell's of Merchandizes and other thing's that he or they hath on board said ship or Vessell, and also declare upon their Corporall Oath, that he or they hath not broak bulk since his or their arrivall, within the Province before he or they made such report as aforesaid And also that all Merchant's that have any good's or Merchandizes on board such shipp's or Vessell's as aforesaid shall at such Place or Places as is above directed make a true and distinct entry of all such Parcell or Parcell's of good's or Merchandize he hath on board such shipp or Vessell according to the Prime Cost and if any difference should arise about the vallue of the said good's Their Majesties Collector for the time being is hereby authorized to Administer to all or any such Person or Person's making such entry their Corporall Oath that

said Entry is according to the invoyce or Invoyces sent to them from the place or places from whence such good's or Merchandizes did come And it is further Enacted by the authority aforesaid that if any Master Mate or Purser of any ship or Vessell whatever or any Merchant ffactor or other shall contrary to these Rules above directed, brak, bulk or Land any goods or Merchandize whatsoever before he or they make report or entry and pay such dutys as is required by this Act Then and in such case the Master of such ship or Vessell that shall break bulk before makeing such report as aforesaid shall upon proof made thereof by Two sufficient and Lawfull Evidences forfeit his said ship or Vessell with all her tackle furniture and Ammunition one third unto their Majesties one third unto the Governor and one third unto the informer to be sued for in any Court of Record within this Province by byll Plaint or Information wherein no Essoygne Protecion or wager of Law shall be allowed And also all such good's as shall be Landed without Entry made as aforesaid shall be in like manner forfeited one third unto their Majesties one third unto the governour and one third unto the informer to be sued for as aforesaid And be it further Enacted by the authority aforesaid that all Masters of ship's or Vessells that are within this Province and doe not belong unto the same or any part thereof and bound to any Port within or without this Province shall before they take any Merchandises above Expressed come to such place or places as shall be appointed for the Collecting of the rates and duty's Established by this Act, and there make entry and report of their design and enter into bond in the vallue of One thousand Pounds Currant mon'y of New York, with sufficient Surity's that they shall not take on board directly or indirectly any goods or Merchandises afore receited and Expressed without such Permit or certificate from the Collector or any haveing authority under him, for the same, and if they doe take on board any goods or Merchandises afore recited and Expressed contrary to the true intent and meaning of this Act then they shall forfeit their said bond to be sued within three month's after such fact Commited or otherwise to be voyd and of no force and virtue And all Master's of shipp's, sloop's boat's, or any other Vessell's belonging to this Province' and its dependencies shall once in the year' repair to the custom' house or to other place or place's that shall be appointed for that Purpose and there enter into bond to the vallue of One hundred pound's Currant mony aforesaid that they shall not directly or indirectly take on board and carry away out of this Province any of aforesaid good's and Merchandizes without first makeing entry thereof and paying such

Rates and duty's as are before recited and Expressed, And if they do take on board any of the aforesaid good's and Merchandises without makeing entry thereof or paying the rates and duty's aforesaid then the said bond shall be forfeited, And for the due and orderly Collecting of all Duty's of Excise hereby given and granted Be it further Enacted by the authority aforesaid that all Retailers of wyne Rum Brandy or any other strong Liquors within this Province or dependencies shall upon their Purchase and Receipt of all such Liquor or Liquor's before Expressed and Excissable come to the office or offices of the excise and there or with him make entry of all such Liquor or Liquor's as they shall buy or receive and pay such duties as are hereby appointed within twenty-four hours' or at such Convenient time as the Officer of the Excise shall appoint and on default thereof all such Liquors as Shall be found in any Retailers House or wharehouse seller or other place, belonging unto him within this Province or dependencies and have not been duely entered and Payd the duty's and Excise, as aforesaid then and in such case upon the Testimony of two Evidences before any Justice of the Peace within this Province and dependencies the said Retailer or Retailer's so Offending in the Premisses shall forfeit all such Liquors and three times the vallue thereof one third to their Majesties one third to the governor and one third to the Informer who shall Prosecute the same before any Justice of the Peace throughout this Province and dependencies who are hereby authorized and empowered to hear and determine the same and if need be to Issue out their warrants for the seizing and condemning of all such Liquor's forfeited as aforesaid. And for Commiting to goale all such Retailers of Liquors who have not entered and Payd the duty's of excise in manner aforesaid there to remain without bayle or mainprise untill they shall satisfye and make payment of three times the vallue of such Liquors seized and forfeited as aforesaid And be it further Enacted by the authority aforesaid that if any Person or Persons within this Province and dependences not being duely Lycenced shall at any time hereafter Presume to sell by Retaile any of the Liquors aforesaid that is to say a Less Quantity at one time Than five gallons the Person soe offending shall forfeit and Pay the sume of five pounds Currant mony aforesaid for every such offence being thereof convict by the oath of two or more Evidences to be sued as aforesaid before any Justice of the Peace throughout the Province and to be imployed in such manner and Proportion as aforesaid, Alway's Provided that it is the true intent and meaning of this Act that no Retailers of Liquor's under five gallon's or any other that sell any Liquor or strong liquors shall

take any such liquor into their houses, sellers or Warehouses or into any other place, belonging unto them in New York and Albany but by the hands of the sworn Porter's under the penalties aforesaid to be sued and Recovered for the uses aforesaid in manner and form' as aforesaid Provided alway's and it is hereby understood, that there shall be no duty payd nor forfeiture upon any goods or Merchandizes That are not Landed within this Province' or Immediately transported again' without being Landed or sold in this Province and Dependencyes Alway's Provided that all Merchant's Quallifyed to trade by the acts of Navigation and Regulateing the Plantation trade. Comeing into this Province or any parts thereof Be well and Honestly treated and Demeaned for such things as by this Act is granted without oppression to be don' to them Paying the duty's aforesaid.

[CHAPTER 25.]

[Chapter 25, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Fowler's Bradford, p. 74. Title only is printed in Baskett, p. 18. Continued by ch. 45. For note in reference to this act, see Fowler's Bradford, p. CXXVII.]

An Act for the Encourageing A Post Office.

[Passed, November 11, 1692.]

Whereas their most Excellenct Majesties by their Letters Pattent under the Great Seal of England bearing date the Seaventeenth day of ffebruary in the year of our Lord one thousand Six hundred ninty one hath given unto Thomas Neal Esqr his Executors Administrators and assigns full power and authority to Erect Settle and Establish within the cheif part's of their said Majesties Collony's and Plantations in America an Office or Offices for the Receiveing and dispatching of Letters and Pacquets and to receive, Send and deliver the Same under Such Rates and Summes of money as the Planter shall agree to give &c to hold and Injoy the same for the term of One & twenty year's which Such powers and Clauses as are necessary on that behalfe as by the Sayd Letters Pattents Relation being thereunto had may more fully and at Large apear'. And Whereas Andrew Hamilton Esqr is Deputed and Constituted to governe & manage the Said generall Post Office for and throughout all their Majesties Plantations and Collonyes upon the main Land or Continent of America and Islands adjacent Thereunto, pursuant to the directions of The Said Letters, Pattent's, And Whereas he the Said Andrew Hamilton hath made aplication to his Excellency The Governour and Councill and Representatives Convened in Generall

Assembly that they would Ascertain and Establish Such Rates and Summes of mony upon the Letter's and pacquett's that shall be received and dispatched by the said Office and Offices for the Effectuall Encouragement of the said generall Post Office And for the Quicker mainteinance of mutuall Correspondencey amongst all out Neighbouring Collony's and Plantations aforesaid and that Tradé and Commerce may be the better preserved. Be it therefore Enacted by the Governour and Councill and Representatives Convened in generall Assembly and by the authority of the Same That there be from henceforth, A generall Letter office erected and established in Some Convenient places within this City of New York from whence all Letter's and Packquet's whatsoever may be with Speed and Expedition Sent into any part of our Neighbouring Collony's and plantations on the main Land and Continent of America or to any other of their Majesties Kingdom's and Dominions beyond the Sea's at which Said office all returns and answers may be Likewise received, And that one Master of the Said generall Letter office shall from time to time be apointed by the said Andrew Hamilton, which Said Master of the Said Office or his Servant or Agent and no other person or persons whatsoever Shall from time to time have the reciveing, takeing up, ordering dispatching, Sending post or with Speed, and delivery of all Letters and Packquets whatsoever which Shall from time to time be sent to and from all and every of the adjacent Collony's and Plantations on this main' Land and Continent of America or any other of their Majesties Kingdoms and Dominions beyond the Seas where he the Said Post Master Generall Shall Setle or cause to be Setled Posts or Runing messenger's for that purpose, except Such Letters of Merchants and Masters which Shall be sent by any Masters of any Ship's, barques, or other Vessells of Merchandize or by any other person imployed by them for the carriage of Such Letters aforesaid according to the resepective directions as also to Except Letters to be Sent by any Private friend or friend's in their way's and Journey's or Travell or by any Messenger or Messengers, Sent on Purpose for or concerning the private affaires of any person or persons. And be it further Enacted by the authority aforesaid that Such Post Master for the time being and noe other person whatsoever Shall prepare and provide horses and furniture to Let to hyre unto all through Post's and PerSon's Rideing in Post with commission or without to and from all and Every of the adjacent Collony's and Plantations on this main' Land or Continent in America, where any Post Road's are or Shall be Setled and Established. And Be it further Enacted by the authority aforesaid that it Shall and

may be lawfull to and for the Post Master generall aforesaid and his Deputy & Deputy's by him thereunto Sufficiently authorised, to demand have, Receive and take for the Portage and conveyance of all Such Letters which he Shall Soe convey, carry or Send Post as aforesaid, & for the Providing and furnishing horses for through Post's or Persons rideing in Post as aforesaid according to the severall rates and Summes of Currant mony of this province hereafter mentioned not to Exceed the Same (that is to Say) that the Post of every Single Letter to or from Europe the west Indies or else where to and from beyond the Sea's, nine pence Currant mony aforesaid, and Soe in proportion to the greatness or Quantity of Said Letters and for the Post of Every Single Letter from Boston to New York or from Maryland to New York nine pence currant mony aforesaid, and Soe in proportion as aforesaid, and for the post of every Single Letter from Virginia to New York twelve pence currant mony aforesaid, and So in proportion as aforesaid, and for the post of every Single Letter to or from any place not exceeding eighty miles distance from New York four pence halfe penny currant mony aforesaid and Soe in proportion as aforesaid, and for the more effectuall encouragement of the said generall post Office Be it further Enacted by the authority aforesaid That all of the Respective Post Masters that Shall be Setled in the respective Stages for the Purpose aforesaid throughout the Province Shall dureing the space & time that this Act Shall be in force be freed and Exempted from excise and all Publick services whatsoever Excepting the Post Master of the City of New York who is only exempted from publick Services, And be it further Enacted by the authority aforesaid that no Person or Persons whatsoever or body Politick or Corporall other then the Post Master generall aforesaid Shall presume to carry Recarry or deliver Letters for hire other then as before excepted or to set up or imploy any foot post horse, Post or Pacquet boat whatsoever for the Carrying conveying and Receiveing of any Letters or Pacquets by sea or Land within this Province, or shall provide and maintain horses, and furniture for the horses of any through Post's or Person's Rideing Post with a guide and horn as is usuall in their Majties Realme of England upon payn' of forfeiting the Summe of One hundred pound's Currant mony aforesaid, for every Severall offence against the Tenour of this present act to be Sued and Recovered in any Court of Record within this Province by byll, plaint, or Information wherein no Essoine, protection or wager of Law Shall be admitted, one halfe of the Sayd forfeiture to the Governour and the other halfe to the Post Master generall, who shall Sue and prosecute the Same. Be it further Enacted

by the authority aforesaid that all Letters and Pacquetts that by any Master of any Ship or vessell or any of his Company, or any Passingers therein Shall or may be brought to this port of New York, other then Such Letter's as are before excepted, Shall by Such Master Passinger or other Person be forthwith delivered unto the Post Master of New York for the time being or unto his Servant or Servant's and by him or them to be delivered according to the Severall and respective directions of the same, Provided that no Letters goeing up or comeing down' Hudsons River and goeing to and from Long Island Shall be carryed to the Post Office any thing herein contained to the contrary hereof notwithstanding Provided alway's that nothing herein mentioned Shall be in force any Longer then three year's next and after the publication hereof any thing to the Contrary hereof in any way's notwithstanding.

[CHAPTER 26.]

[Chapter 26, of Livingston & Smith and Van Schaack, where the act is printed in full. Printed in full in Fowler's Bradford, p. 69; Baskett, p 13. The act was confirmed by the King, May 11, 1697. (See Fowler's Bradford, p. CXXXVI.) For note in reference to this act see Fowler's Bradford, p. CXXV.]

AN ACT for the Setling of ffaires' and Marquets' in each respective Citty and County throughout the Province.

[Passed, November 11, 1692.]

WHEREAS great inconvenience doth arise to the Inhabitants' of the Province for want of certain Marquet day's in each respective City and County throughout the same, and the trade of the Province is likewise very much discouraged for want thereof, as well as for the Want of Publick ffairs' in each respectie City & County to be held and kept at least once in Every year for Remedy whereof and that Trade and Commerce may be the better encouraged and propagated for the good and well of all the Inhabitants aforesaid, BE IT THEREFORE ENACTED by the Governour and Councill and Representatives convened in Generall Assembly and it is hereby Enacted by the authority of the same, that there shall be held and kept in the respective County's aforesaid upon every Thursday of the week at Jamaica within Queens County on Long Island; and on every Saterday of the Week, at Kingstown in the County of Ulster and on Every Wednesday of the week at Westchester in the County of Westchester Publick & open marquets, to which marquets it shall and may be Lawfull for all and every the Inhabitants and sojournours' of this Province to goe frequent & resort and

thither to carry all sorts of Cattle grain Victuall, Provisions and other necessarys' togeather with all sorts of Merchandize whatsoever and at the Publick marquet place that shall be assigned and appointed in each respective Town aforesaid them to Expose for sale, or barter ingross or retaile between the howers of Eight of the Clock, in the morning and sunn-set of the same day, without the payment of any toll, or any other Let, hindrance or molestacon whatsoever. AND BE IT FURTHER ENACTED by the authority aforesaid that there shall likewise be held and kept in each respective City and County throughout the Province and at the times & places hereafter named twice yearly and Every year a ffair to which fair it shall and may be Likewise lawfull, for all and Every Person or Persons Inhabitants Strangers or sojournours of this Province &c, to the said place and places at the said time and times when the said respective fair & fairs are to be held & keept to goe frequent and resort and wither to carry or cause to be carryed all sorts of Cattle horses Mairs, Colts, grains Victualls Provisions and other necessarys togeather with all sorts of Merchandize of what nature soever and them to expose to sale or Barter in Gross or by retaile at the times houres and seasons that governours or Rulers of the said Respective fairs for the time being shall proclaim & apoint. And be it further Enacted by the authority aforesaid that there be kept yearly for the City and County of New-York, two fairs at the City of New-York, the first fair annually to commence the last Tuesday of Aprill in every year and to end upon the fryday then next following being in all four days inclusive and no Longer, And the second fair to commence the first Tuesday of November in every year, and to end upon the fryday then next following being in all four days inclusive & no Longer. AND ALSO that there be held and kept one fair annually and once a year for Kings County on Long-Island at fflatbush in the said County to commence the second Tuesday of Octotober in every year and to end the fryday then next following being in all four days inclusive and no Longer. AND also that there be held and kept two fairs yearly for Queens County on Long-Island, the first fair to be held annually at Jamaica, within said County on the first Tuesday in May in every year and to end on the fryday then next following being in all four days inclusive and no Longer. The second fair to commence on the third tuesday of Octob. and to end the fryday then next following being in all four dayes inclusive and no Longer.

And also that there be held and kept two ffairs yearly for the County of Suffolk on Long-Island, the first ffair to be held annually at Southampton, the first Tuesday of July in every year, and

to end on the fryday then next following being in all four days inclusive, and no Longer and the second fair at southold to commence the second Tuesday of September and to end upon the Fryday then next following, being in all four days inclusive and no Longer. And also that there be held and kept in the City and County of Albany, two ffairs yearly the first ffair to be kept at Albany and to Commence the third Tuesday of July and to end on the fryday then next following being in all four days inclusive and no Longer and the second fair to be held at Crawler in Renselaer Wyck on the third Tuesday in October, and to end on the ffryday following being in all four dayes inclusive and no Longer. And also, that there be held and kept two fairs yearly for the County of Ulster, the ffirst to be kept at Kingstown the Third Thursday in March, and to end on the Saterday next then following being three days inclusive and no longer and the second fair to begin the second Thursday in October and to end the saterday following. And also that there be held and kept two fairs yearly for the County of Westchester The ffirst to be kept at the Town of Westchester in the said County on the second tuesday in May and to end on the fryday following being in all four days inclusive and no Longer, and the second ffair to be kept at Rye in the said County on the second tuesday of Octob. yearly & to end the fryday then next following being in all four days and no Longer. And also, that there be held and kept two ffairs in the County of Richmond the first on the north side of the Island on the last tuesday in June and to end on the Friday following being in all four days inclusive and no Longer, And the second fair to be kept at the sd place on the last tuesday in Septemb. and to end on the friday then next following being in all four days inclusive and no Longer. All which ffairs at the times and places, aforesaid in each respective County, respectively shall be holden, together with a Court of Pypowder and with all Liberty's and free customs to such fairs appertaining or which ought or may appertain according to the Usage and Customes of ffairs holden in their Majesties Realm of England AND for the more Regular Government of the severall and respective fairs afore mentioned The Governor shall Commissionate and appoint such Person or Persons in each Respective County aforesaid where such fairs is to be holden and kept to be Governours or Rulers of the said ffairs Respectively which governor or Ruler so appointed and Commissionated as aforesaid is hereby authorized and impowered TO HAVE AND TO HOLD a court of Pypowder togeather with all Libertyes and free Customs to such appertaining, AND that they and Every of them may have and hold them at their and every of their Respective

places aforesaid their and every of their respective Courts the said dayes from day to day and hour to hour, from time to time all Occasions plaints and pleas of a Court of Pypowders together with summons attachments Arrests, Issues, fines Redemptions and Commodityes and other rights whatsoever to the same Courts of Pypowder any way appertaining without any impediment set or hindrance whatsoever ALWAYS PROVIDED that the Governor or Ruler of the said respective ffairs aforesaid shall cry or cause to Cry and Publish within and without the Libertyes of the said respective ffairs Where they shall hold the same the time that they aught to hold it and no Longer, and that every Governour and Ruler of the Respective ffairs, aforesaid at the beginning of his faire shall their do cry proclaim and Publish how Long the ffair shall Endure to the Intent that Merchants and other shall not be at the same faire over the time soe published upon pain of being fined for the same, nor that said Governor or Ruler shall not hold the Respective fairs over the due time hereby Limited upon pain of forfeiting the keeping said fairs unto their Majesties. And for preventing abuses in any of the said fairs and Marquets, BE IT FURTHER ENACTED by the authority aforesd that the Governour or Ruler of the respective fairs aforesd shall yearly appoint and Limit out a certain and speciall open place within the respective Towns aforesaid where the said Respective ffairs are to be held and kept where horses, Mairs, gelldings Colts and other Cattle, may be sold in which said certain and in Open place as aforesaid there shall be by the governour aforesaid or Ruler put in & appointed one sufficient Person or more to take toll and keep the same place from tenn of the Clock in the morning untill Sunn set of every day of the aforsayd fair and Market upon pain to loose and forfeit for every default fourty shillings and that every Toll geatherer his Deputy or Deputy's shall dureing the time of every their said fairs take the summe of nine pence as due and Lawfull Toll, for every such Horse, Mair, gelding or Colt, at their said Open Place to be apointed as aforesaid and betwixt the hours of tenn of the Clock, in the morning and sunn set of the same day, if it be tendered and not at any other time or place and shall have presently before him or them at the takeing of the same toll the Partyes to the bargain exchange guift contract or puting away of every such Horse, Mair, gelding or Colt, and also the same horse, Mair, gelding and Colt soe sold exchanged, OR PUT away or shall then Write or cause to be Written in a book, to be kept for that Purpose the Names Surnames, and dwelling places of all the said Partyes' and the Colour with one speciall mark at the

leaft of every such horse Maire gelding or Colt in pain to forfeit at and for every default contrary to the intent hereof the sume of forty shillings Currant money aforesaid and the said toll gatherer or keeper of the said book shall within one day next after such fair bring and deliver the said book, to the Governour or Ruler of the said ffairs who shall then cause a noate to be made of the true Numb of all horses, Mares guildings and Colts sold at the said ffair and shall there subscribe his name, upon pain to him that shall make default therein to loose and forfeit for every default the sume of forty shillings Currant Money aforesaid and also to answear the Party grieved by reason of the same his negligence in every behalfe and the said Governour or Ruler his Deputy or Deputy's shall take for the entring for every horse Mair guilding and colt sold in the respective fairs as aforesaid for toll of the same the summe of nine penc the one halfe to be paid by the buyer the other halfe by the seller, PROVIDED alway's that nothing herein contained shall be taken or construed to infringe upon the rights and Privileges of the City of New-York and Albany and Ranslaer Wyck, but that the mayor and aldermen and the Proprietor of the Mannor, of Ranslaer Wyck of their Respective City's and Manners for the time being, shall alway's be pursuant to the directions of their respective Charters and grants the only Governour or Ruler of the aforementioned fairs to be held in their Respective City's and Manners any thing herein contained to the contrary hereof in any ways notwithstanding.

[CHAPTER 27.]

[Chapter 27, of Livingston & Smith and Van Schaack, where the act is printed in full. Printed in full in Fowler's Bradford, p. 72; Baskett, p. 16. Confirmed by the King, May 11, 1697 (See Fowler's Bradford, p. CXXXVI.) For note in reference to this act, see Fowler's Bradford, p. CXXXVI.]

AN ACT for the superviseing Intestates Estates, and Regulateing the Probate of Wills and granting of Letters of Administracon.

[Passed, November 11, 1692.]

WHEREAS as the Right's of Orphants and the Estates of Such as dye Intestate throughout this Province and Dependencyes are often concealed wasted Embazilled and destroyed to the Utter ruine of many Orphans and the Prejudice of the next of kind to such as dye Intestate for want of haveing good and Sufficient Persons in each respective County throughout the Province for the due & regular Inquiring after the same, BE IT THEREFORE

ENACTED by the Governour and Councill and Representatives, Convened in Generall Assembly and it is hereby Enacted by the authority of the same that on or before the five and twentieth day of March next in the Year of our Lord one thousand Six hundred ninty and three, there shall be elected and appointed in each Respective Town throughout the Counties within this Province two able and Sufficient free holders who Shall upon the death of any Person or Person's in their respective Towns' repair unto the house place or Habitation where the deceased did reside within fourty eight houres after the Interment of the said dec'd and there make Enquiry If the dec'd made any Will or had any Reall or Personall Estate not devised by him at the time of his or their death, and if upon inquiry that he had made no Will but dyed Intestate then and in such case it shall be lawfull for Such Person or Persons elected or appointed in each respective Town as aforesaid to make Strict and dilligent Search and inquiry into all the reall and Personall Estate that the said Intestate dyed possessed of and the Same to Inventory and bring or cause to be brought unto Such Person or Persons in the County where Such intestate dyed, who shall by the Governour for the time being be deligated on Purpose for superviseing Intestates Estates, &c in each respective County throughout the Province and the Same with him file declareing upon their oath's that the Said Inventory doth contein a True and Perfect account of the Said Intestates Estate, that has come unto their knowledge. whereupon the Person or Persons so delegated as aforesaid Shall issue, out his or their warrant to two good and Sufficient free holders inhabiting within the Town where the intestates dyed for the Appraisement of the goods and Chattells left by the Intestate and Inventoryed as aforesd and upon the return thereof to him he shall cause the Same to be Secured or sold for the most of their vallue and the Produce thereof to remaine in his hands, or put out into good and sufficient hands who shall be able to produce the Same again when the next of Kin shall apear in right to claim the same and if the said intestate at the time of his death did leave a wife and Children behind him, then and in Such a case the wife Shall only have the right of Administration upon the said Intestates Estate as the Law doth direct and not otherwise, but if the said Intestate did Leave only Orphans behind him and has no relations or kindred who will administer upon the Said Intestates Estate then the supervisor of each Respective County-Delegated as aforesaid Shall only have the Administracon and care of the said justices estate and the same shall secure as aforesayd, for the use benefit and behoofe of the said Orphan's, and not

otherwise and the sayd Intestate's Estates Soe Inventoryed as aforesaid Shall cause to be well secured and improved to the best advantage for the behoof of the said Orphans untill they marry or come to the age of one and twenty Years And that he shall likewise take effectuall care for the Educateing and Instructing the Sayd Orphans in the Holy Protestant Religion, and that they be honestly maintained according to the Capacity of the Sayd Intestates Estate, and not otherwise, AND be it further Enacted by the authority aforesaid that the Probate of all Wills and Letters of Administration shall be from hence forth granted by the Governour or Such Person as he shall Delegate under the seal of the Prerogative Office for that purpose apointed and that all Wills relating to any Estate within the severall County's of Orange and Richmond West Chester Kings County, shall be proved at New-York before the Governr or such Person, as he shall delegate as aforsayd, but in reguard of the remoteness of the other County's from New York, and to Prevent the great charge and Inconveniency's of bringing witnesses so far, the court of Common Ples in each of these remote Countys, are hereby impowred and authorised to take the examination of Witnesses to any will within their respective County's, upon Oath, and the same, with the will to certifye to the secret'ry's Office at New-York, with all Convenient Speed under the hand of the Judge and Clerk of the said Court that the Probate thereof may be granted accordingly, And in the time of the Vacancy of the said Courts of Comon Pleas or upon any Extraordinary occasion or necessity the respective Judges of the Inferior Courts assisted with two Justices of the Peace, within the said remote County's may and are hereby impowred and authorised at any time dureing the Vacancy of the said Respective Courts to take the Examination of Witnesses to any Will produced before them upon Oath and to Certifye the same as aforesaid and in case any debate and Controvercy, shall arise about swearing and Examining such Witnesses or allowing the will, the said Court or Judg and Justices may hear and determine the same, and if any be unsatisfyed with their Proceedings therein they may apeale to the Governour; or to such other Person delegated as aforesaid before the Probate of such will be granted.

AND IT IS FURTHER ENACTED by the authority aforesaid that the severall Judges of the Respective Courts within the said Remote County's in Open Court and on Extraordinary occasions or necessity out of Court assisted with two Justices of the Peac aforesaid may and are hereby authorized and impowered to grant Probates, of any will or Letters of Administration to any Person or Psons where the Estate of the

Person makeing such will or of the Intestate on which Letters of Administration is desired doth not exceed the vallue of fifty pounds any thing herein contained to the contrary hereof in any ways notwithstanding PROVIDED alwayes that any Person or Persons concerned in the Probate of Such Wills' or Letters of Administration to be granted by the Judge of the said Courts as aforesd may within three Months after the granting thereof bring his or their Appeale or apeales there in before the Governour, or such or Person Delegated as aforesaid.

[CHAPTER 28.]

[Chapter 28, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Fowler's Bradford, p. 64. Title only is printed in Baskett, p. 18. The act expired November 11, 1694. Continued by ch. 54. For note in reference to this act, see Fowler's Bradford, p. CXXIII.]

An Act for the Establishing Courts of Judicature for the Ease and benefit of each Respective Citty, Towne and County within the Province.

[Passed, November 11, 1692.]

Whereas the Act for setling courts of Judicature within this Province doth expire by its owne Limitation in Aprill next And whereas the orderly Regulation & the Establishment of Courts of Justice throughout this Province as well in the Respect of time as place doth tend very much to the Honor & Dignity of the Crown as well as to the ease and benefit of the Subjects. Be it therefore Enacted by the Govenour & Councill and Representatives Convened in Generall Assembly, And it is hereby Enacted and ordained by the authority of the Same That Every Justice of the Peace that Resides within any town or County within this Province are hereby fully impowered and authorized to have Cognizance of all Causes, Cases of debt and trespass, to the vallue of forty Shillings or under, which Causes and Cases Shall be heard tryed and finally determined without a Jury by every Justice of the Peace that resides within any Towne or County within this Province &c. he takeing unto his Assistance at the time of his hearing and determining Such Cause, or Cases of debt & trespass, to the vallue of forty Shillings or under, one of the Said freeholders of the Town & Place where the Cause of Action doth arise, the process of warning Shall be by a Summon's under the hand of the Justice directed to the Constable of the Town or Precinct, or any deputed by him, where the Party Complained against doth Live, which Summons being Personally Served or left at the defts house two day's before the day of hear-

ing of the Plaint, Shall be Sufficient authority to and for the said Justice Assisted with one of the ffreeholders as aforesaid to Proceed on Such Cause & Causes and determine the same In the defendants absence and to grant Execution thereupon against the defendants Person or for want thereof his Estate which the Constable of the town or precint or his deputy Shall and may serve. Alwayes Provided And be it further Enacted by the Authority aforesaid that if the plaintiff or deft Shall desire a jury it Shall be allowed but at the propper cost and charges of the Persons desireing the same, And for the increase of Virtue and the discourageing of Evill doer's Be it further Enacted by the authority aforesaid that there shall be held and kept in every respective City and County within this Province at the times and places hereafter named and Expressed, A Court of Session's of the Peace (that is to Say) for the City and County of New York and Orange County at the Citty hall of the Said City four generall Quarter Session's of the Peace Annually and Every year upon the first Tuesday of May, The first Tuesday in August, the first Tuesday in November, And the first Tuesday in ffebruary, And for the City and County of Albany three generall Sessions of the Peace at the City hall of the Said City annually and every year on the first Tuesday in June, on the first tuesday in Octob and on the ffirst Tuesday of ffebruary And for the County of Westchester Two generall Session's of the Peace annually and every, Year at Westchester on the ffirst Tuesday of June and on the ffirst Tuesday in Decemb. And for the County of Ulster and Dutchess County two generall Session's of the Peace annually and every year at Kingstown the first Tuesday of March and the first Tuesday of Septemb And for the County of Richmond two generall Sessions of the peace Annually and every year at the Court house in the Said County on the first Tuesday of March and the first Tuesday of Septemb. And for kings County Two generall Sessions of the Peace annually and every year at fflatbush on the Second Tuesday of May and on the Second Tuesday of November and for Queen's County Two generall Sessions of the Peace annually and every year at Jamaica, on the third Tuesday in May & on the third tuesday of Septemb. And for Suffolk County two generall Sessions of the Peace Annualy and every year on the last Tuesday in March at Southampton and on the Last Tuesday of Septembr at Southolde which Generall Sessions of the Peace in Each respective City and County aforesaid Shall only hold and continue for the Space and time of two day's and no longer. And for the more Regular and beneficiall distribution of Justice to the Inhabitants of each Respective County aforesaid Be it further Enacted by the author-

ity aforesaid that there Shall be kept and holden a Court of Common Pleas in Each Respective County aforesaid at the times and places hereafter named and mentioned (that is to say) at Such places in each Respective County as the said generall sessions of the peace are to be kept, and to begin the next day after the Session Terminates and then only to hold & continue for the Space & time of two days after and no Longer, and that there be a Judge Assisted with three Justices of the Peace in each respective County appointed and commissionated to hold the Same Court of Pleas three whereof to be a Quorum and that the Severall & respective Courts of Pleas hereby Established Shall have power and Jurisdiction to hear, try and finally determine all actions or cause of accons, and all matters & things, and Causes tryable at the Common Law of what nature or kind whatsoever, soe that the action or cause of action, the matter, thing, and cause tryable, and the nature and kind thereof doth not reiate or concerne Title of Land, Provided alwayes and it is hereby Enacted that there Shall not be any apeale or removeall by Habeas Corpus of any person or of any action or Suite, of any Judgment or Execucon that Shall be determined in Said Court's of plea's to the vallue of twenty pound's or under, any thing contained herein to the contrary hereof in any way's notwithstanding. And it is further Enacted by the Authority aforesaid that the Court's of Mayor's and Aldermen of the respective Citty's of New York and Albany Shall have in each of their respective Citty's, the powers and authority's to hear try and finally to determine all Such Suit's and actions of their Corporation's as is commonly Cognizable before them, from which finall determination there Shall not be any apeale or removeall by habeas Corpus, of any person or of any action or Suite or of any Judgment or Execution to the vallue of Twenty pound's or under, any thing herein contained to the contrary hereof in any way's notwithstanding, to which respective Court's of Common pleas, there shall belong and be appointed and commissionated for that purpose, one Clark of the Court to draw Enter and keep the Records declarations plea's, and Judgments there to be had and made, and one Marshall or Cryer of the Court, to call the Juror's, and Proclaim, the comands and order's of the Court, And for the more regular proceeding's in the said Court all process and writs of what nature soever for the Command of Persons to apear and to execute the Judgement's and Executions of the respective Courts aforesaid shall be directed to the respective Sheriff's of Each County aforesaid, and Executed by

them their undersheriff's or deputy or deputy's, and all process and writt's for action's between party and partys in the Said Court Shall Issue out of the office of each respective Clark of each respective Court, Signed per Curiam. Provided alway's that nothing herein contained shall be taken or Construed to take away the Priviledge of the town of Kingstown in the County of Ulster for the hearing and determining all Action's and cause of action's ariseing within the Libertie's of the Said town to the vallue of fflve pound's and under any thing herein contained to the contrary hereof in any way's notwithstanding, And that all their Majesties Subjects inhabiting within this Province may have all the good, propper, Just ease, and beneficiall ways, for the Securing and Recovering their Just rights and demands within the same. Be it further Enacted And it is hereby further Enacted and ordained by the authority aforesaid that there Shall be at New York, a Supreame Court of Judicature the which Shall consist of ffive Justices which Shall be appointed and Commissionated for that purpose, two whereof togeather with one Chief Justice to be a Quorum, which Supream Court are herby fully impowered to have Cognizance of all pleas Civill Criminall and mixt, as fully and amply to all intents and purposes whatsoever as the Court's of Kings Bench Common Pleas and Exchequer within their Majesties Kingdom's of England, have or ought to have, in and to which Supream Court all and every person or persons whatsoever Shall and may If they Shall See meet Comence or Remove any Action or Suite the debt or Damages, Laid in Such action or Suite being upwards of twenty pounds and not otherwise, or Shall or may by warrant or Certiorari remove out of any of the respective Court's of Mayor and Aldermen, Sessions of the Peace, and Common pleas, any Judgement Information or indictment there had and depending, Provided alway's that the Judgement removed be upward's of the vallue of Twenty pound's out of the office of which Supreme Court at New York aforesaid all process Shall Issue out under ye test of ye Chief Justice of the said Court and to which office all return's Shall be made, which Supream Court Shall be holden at Such times and places as hereinafter is Limited and apointed for the City and County of New York, and County of Orange on the first Tuesday in Aprill and on the first Tuesday in October, annually and every year, for the City and County of Albany the first Tuesday in May, for Ulster and Dutchess County the third Tuesday in May, for the county of westchester the last Tuesday in June, ffor Kings County the first Tuesday in August, for Queens County the Second Tuesday in August, for the County of Suffolk the third Tuesday in August, and for the County of Rich-

mond the Second Tuesday of June, And be it further Enacted by the authority aforesaid that all and every of the Justices or Judges, of the Severall Court's aforementioned be and are hereby Sufficiently impowered to make, ordain and Establish all Such Rules and order's for the More Regular Practiceing and proceeding in their said Court's as fully and amply to all intents and purposes whatsoever as all or any of the Judges of the Severall Court's of the King's Bench, Common Pleas, and Exchequer, in England Legally doe, Provided alwayes And be it further Enacted by the authority aforesaid that no Person's right or property Shall be by any of the aforesaid Courts determined except where matter's of ffact are either acknowledged by the parties or Judgement be acknowledged or passeth by the defendants fault for want of Plea or answer unless the fact be found by the verdict of twelve men of the Neighbourhood as it ought to be done by the Law. And be it further Enacted by the authority aforesaid That one of the Justices of the Supream' Court Commissionated as aforesaid Shall once in Every year at the aforesaid times and places in each respective County aforesaid goe the circuit, and at the places and times aforesaid there hold the Supream Court, being then assisted by two or more of the Justices of the peace of the severall Respective County's where the said Supream Court is to be holden and shall there hear and determine all process and pleas there depending and issued as aforesayd, Alway's Provided that in Such County where there is noe process Issued or pleas depending, that the Justice shall not be then oblidged to goe the Circuit to the Said County any thing contained herein to the Contrary hereof in any ways notwithstanding Alway's Provided the Sessions of the Said Supream Court Shall not continue nor hold longer at New York then five day's and at the other respective place's in each respective County than two day's & no Longer. And be it further Enacted by the authority aforesaid that there shall be a Court of Chancery within this Province which Said Court Shall have power to hear and determine all matters of Equity and shall be esteemed and accounted the high Court of Chancery of this Province And be it further Enacted by the authority aforesaid That the Governour & Councill be the Said High Court of Chancery and hold and keep the said Court. And that the Governour may depute nominate, and appoint in his Stead A Chancelor and be assisted with Such other person's of the Councill as shall by him be thought fit and convenient togeather with all necessary officer's Clark's and Registres, as to the Said High Court of Chancery are needfull, Provided Alway's And it is hereby further Enacted by the authority aforesaid that any ffreeholder,

planter Inhabitant or Sojourner within this Province may have Liberty if he or they see meet, to make his or their apeale or apeal's from any Judgement, obtained against him or them, in Case of Error in the Severall Courts aforesd in such manner and form as is hereafter expressed (That is to Say) ffrom the Courts of Mayor and Aldermen, and Courts of Common Pleas to the Supream Court for any Judgmt above the vallue of Twenty pound's, And from the Supream Court at New York to the Governour and Councill for any Judgement above the vallue of One hundred pound's and from the Governour and Councill, to their Majesties in Councill, for any decree or Judgement above the vallue of three hundred pound's, as in their Majesties Letters Pattents to his Excellency doth and may more fully appear. Alwayes provided that the party or Party's So Apealing shall first pay all Costs of Such Judgements or decree from which the Apeale ariseth, And Enter into Recognizance with two Sufficient Surityes for duble the vallue of the debt, matter or thing recovered or obtained by Judgement or degree against him or them, to the Sayd Court from which they apeale that they will prosecute the Sayd Apeale or apeale's with effect and make return thereof within twelve months after the said Apeale or Apeales here made, And if default happen thereon then Execution to Issue out upon the Judgement against the Party or their Surityes in course without any Sciere facias, Provided alway's that the Establishing of these Courts Shall not be or remain Longer in force then for the time and Space of Two years from and after the Expiration of the former act before mentioned and no Longer.

[CHAPTER 29.]

[Chapter 29, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Fowler's Bradford, on 4th page, after p. 84, where the date of its passage is given as November 12, 1692. It appears, from the Minutes of the Council, that the act was passed November 11, 1692. (See Journals of Legislative Council, p. 33.) Title only is printed in Baskett, p. 18. For note in reference to this act, see Fowler's Bradford, p. CXXXI.]

AN ACT granting to their Majesties the Rate of one Penny P Pound upon all the Reall and Personall Estates within the Pvince &c to be allowed unto his Excellency the Governor for his care of the Province.

[Passed, November 11, 1692.]

The Representatives Convened in generall Assembly in all humble and dutifull acknowledgment of their Majesties most gratious favour and reguard to the subjects of this Province by

Commissionateing and appointing over them a Person to be their Governour who is Endued with most Excellent Quallityes, and hath given most signall demonstration of his Constant, Loyalty and fydelity unto their Majesties by his Prudent care and conduct since his arrivall into this their Majesties Province, and who by his unwearied vigilance has visited the frontiers of the same and hath put them into such Posture as that all the subjects are in safety, though Invironed with a powerfull Enemy, in the deepest sence, whereof Become humble supplyants unto their most Excellent Majesties and Pray that they would be graciously pleased to accept as a toaken of their most Loyall and sincere effection unto their Majesties and their Government Established here, one penny for Every pound vallue of all the reall and Personall Estates of all and Every the freeholders and Inhabitant within this their Majesties Province and Dependency's and doe likewise humbly pray that your most Excellent Majesties would be pleased to give and allow the same unto Benjamin ffletcher Esqr, Captain Generall and Governor in chief' in and over their Majesties Province of New York and Terrytoryes thereon depending in America, and pray that it may be so Enacted Be it therefore Enacted by the Governour and Councill and Representatives Convened in Generall Assembly and by the authority of the same that there be assessed, Levied, and Collected, one penny for every pounds vallue of all the Reall and Personall Estates of all and every the ffreeholders and Inhabitants within this Province and dependencies, to be assessed, Levyed and Collected and payd in manner and form following (that is to say) the one half or moyty of the aforesaid assessment of one Penny for every pounds vallue of all the reall and Personall Estates as aforesaid to be assessed, Levyed, collected and payd unto their Majesties Receiver generall, at New York at or before the first day of Septemb next, which shall be in the year of our Lord, one thousand six hundred ninty and three, and the other half or moytye of the said assessment to be payd in like manner at or before the first day of September then next following which shall be in the year of our Lord One thousand Six hundred ninty and four, and for the more due and orderly collection of the assessment aforesaid be it further Enacted by the authority aforesaid That the Mayor and Aldermen within the City of New York for the time being and the Mayor and Aldermen within the City of Albany for the time being and the Justices of the Peac' for the time, being for the severall and respective County's within this Province for the severall County's respectively for the which they shall be Justices of the Peac' doe within six months after Publication hereof assemble and meet togeather in the Court-

houses for the severall respective Citys and County's, or such other place or places as they shall agree amongst themselves and shall there order that the assessors and Collectors for the severall and respective City's, Town's mannors, and Liberty's within their severall Jurisdictions for the Assessing Collecting and Receiving of the Publique rates for the defraying of the Publique and necessary charge of each Respective City & County aforesaid be the Assessors, and Collectors, for the assessing, Collecting and receiving the rate of one penny P pound as aforesaid, as to the sayd Mayors and Aldermen And Justices of the Peac' shall seem meet and reasonable, And forasmuch as there are severall mannors, and Jurisdictions within the respective County's aforesaid who neglect and do' not elect annually or once a year' assessors and Collectors whereby the intent of this Act may be frustrated. Be it therefore Enacted by the authority aforesaid that if the respective mannors, and Jurisdictions within the severall County's aforesaid shall refuse or neglect to elect assessors and Collectors for the assessing of their respective mannors and Jurisdictions and for the Collecting the same according to the intent and direction of this Act, then and in such case the Justices of the Peac' of the County's where such manners or Jurisdiction are, are hereby Impowred and authorized to Nominate and appoint assessors and Collectors for such mannors, and Jurisdictions as shall Neglect and refuse as aforesaid which assessors and Collectors shall to all intents and purposes observe the directions of this act any thing contained herein to the contrary hereof in any wise notwithstanding. And be it further Enacted by the authority aforesaid that the said Mayors Aldermen and Justices of the Peac' for the Respective City's and County's, mannors, and Jurisdictions, have and shall have power and authority by virtue of this act each of them by himself to administer an Oath to the said Assessors well, truly, equally and impartially in due proportion as it shall appear to them, according to their best understanding to assess and rate the Inhabitants Residents, and ffreeholders of the respective places for which they shall be chosen, assessors, And be it further Enacted by the authority aforesaid that if any Person or Persons who shall be chosen assessors and Collectors shall deny neglect or unequally or Parcially assess or refuse to make such assessment as by this Act is required or shall deny neglect or refuse to Collect any sume or summes of mon'y in form before mentioned assessed that then and in such case it shall and may be lawfull for any two Justices of the Peace of the City's and County's where such offender shall happen to

dwell or reside and who by virtue of this Act are required and impowered to doe the same by warrant's under their hands And seales to commit such assessor or assessors, Collector or Collectors so denying neglecting, or unequally and partially assessing or refuseing to Collect as aforesaid to the Common Goale there to remain without Bayle or mainprise till he or they make fyne and ransom to their Majesties for such contempt as aforesaid And be it further Enacted by the authority aforesaid that if any Person or Persons of what degree or Quallity soever he or they be within this Province who shall be assessed or rated any summe or summes of mony by virtue of this act to be raised and Levyed shall deny, refuse or delay to pay and satisfye the same that then it shall and may be lawfull for any such Collector by virtue of a warrant under the hand and seale of any Justice of the Peace for the Citty or County where such offenders shall dwell, or reside who by virtue of this Act are required and authorized to grant and Issue forth such warrant to Leavy the same by distress and sale of such Person or Person's good's and Chattells, returning the overplus if any be to the owners the summe assessed and charges of distress and sale being first deducted. And Also be it further Enacted by the authority aforesaid that if any Mayor Alderman or Justice of the Peac within this Province who are hereby required, Empowered and authorized to take effectuall care that this act and every Article and clause therein be duely Executed according to the true intent and meaning thereof shall deny neglect or refuse or delay to doe Perform fulfill and Execute all and every or any the duty's, powers and authority's by this act required and impowered by him or them to be don' Performed fullfilled or executed and shall thereof be convicted before his Excellency the Governor and Capt. Generall and Councill or before any of their Majesties Courts of Record within this Province he or they shall suffer such pain by fine and imprisonment as by the discretion of the said Governor and Capt. Generall and Council and the Justices of the said Court's shall be adjudged. And be it further Enacted, by the authority aforesaid that if any action, byll, plaint or Information shall be brought moved or Prosecuted at any time hereafter against any Person or Persons for any matter clause or thing don' or acted, in Pursuance or execution of this act such Person or Person's Soe sued or Prosecuted in any Court whatsoever shall and may plead the general Issue not guilty, and give this act and the special matter in Evidence and if the Plaintiff or Prosecutors shall be Nonsuited or forbear further Prosecucon or suffer discontinuance or verdict to pass against him the defendant, and defendts shall receive tribble cost for which

they Shall have the like remedy, as in case where cost by the Law are given to defendant's. Provided alway's that no Mayor Aldermen, or Justices of the Peace, shall be troubled, sued Prosecuted or molested for any Omission, offence or neglect by virtue of this act, but within the space of one year, after such Omission offence or neglect and not at any time hereafter any thing contained herein to the contrary thereof in any wise notwithstanding. Alway's Provided and be it further Enacted by the authority aforesaid the severall Collectors of each Respective City and County as aforesd shall have Liberty to pay the Severall respective sumes assessed as aforesaid at the times & day's aforesaid in currant mon'y of New York, or for want thereof in good sufficient and Merchantable Provisions at the Currant Markett price.

[CHAPTER 29a.]

[This act is not in Livingston & Smith or Van Schaack. It is printed in full in Fowler's Bradford, p. 77. Title only is printed in Baskett, p. 18. For note in reference to this act, see Fowler's Bradford, p. 128. From the Minutes of the Council, for November 11, 1692, it appears that this act was amended by the Council. (See Journals of Legislative Council, p. 33.) From the Journal of the Assembly, for November 11, 1692, it appears that the Assembly did not assent to the amendments made by the Council. (See Journals of the Assembly, p. 26.) It does not appear from the minutes of the Council that the bill ever passed the Council without the amendment. It is, therefore, very doubtful, if it ever had the force of law. But the act seems to have been continued by ch. 57.]

AN ACT for the satisfiing and Paying the debts of the government.

[Passed, November 11, 1692.]

The Representatives convened in generall Assembly being willing that all such that have advanced mony for the support of the government should be well and truly payd and Satisfyed and for that purpose have agreed that the Rate and dutys hereinafter mentioned should be Levyed and Collected, and pray that it may be enacted Be it therefore Enacted by the Governour and Councill and Representatives convened in generall Assembly and by the authority of the same that the Rates and duty's hereinafter mentioned, shall be levied and Collected and be only appropriated and applyed to the payment of such debts due for the support of the government aforesaid, and the said Rates and duty's hereinafter mentioned hereby authorised to be Levyed and Collected shall be Quarterly payd to such Person or Persons who are now the present Creditor's and have advanced mony as aforesaid their Executors Administrators or assignes in two years from the Publication hereof in Eight Quarterly payments

and in Equall Proportions according to the greatness and Smallness of the sumes due without any Priority or respect to Persons and not otherwise and that the Residue of the mony, ariseing and Payable by this Act if any be shall be appropriated and applyed from and after the payment of the severall debt's as aforesaid unto the support of the government and for no other use or Purpose whatsoever, any thing in this or any other act conteined to the contrary notwithstanding. And that from and after the Publication hereof there shall be raised Levyed, Collected and payd unto their Majesties dureing the space and term of two year's after the Publication hereof as aforesaid and no Longer the Severall Rates, and duty's hereinafter mentioned over and above all other duty's charges and impositions by any former act and acts set & imposed (that is to say) the rate and duty of two pence currant mony of New York, for every gallon of rum brandy or other distilled Liquors and the rate and duty of thirty shillings for every pipe of wyne and five shillings for every hogshead of Mallasses and so in proportion for a greater and lesser quantity that shall be imported into this Province, and dependancies from and after the Publication hereof; And also the rate and duty of two P Cent prime Cost upon all other good's of the growth Production or manifacture of Europe that shall from and after the Publication hereof be imported as aforesaid And also the rate and duty of six pounds upon every hundred pound's vallue prime cost of the goods and Merchandizes of the growth production and manufacture of Europe that shall from and after the Publication hereof be imported into this Province and depandancies from any other part or place then their Majesties Kingdom of England Dominion of Wales and town of Berwick upon Tweed. And be it further Enacted by the authority aforesaid that the severall rates and duty's hereby imposed on the Liquors and Merchandises aforesaid shall be raised Levyed Collected Recovered and payd, unto their Majesties Collector or Receiver Generall for the time being dureing the term before mentioned and in the same manner and form and by such Rules allowances, way's and mean's and under such penalties fines and forfeitures as are mentioned Expressed and directed in and by one Act of Generall Assembly made in this Present sessions of assembly Entituled an Act for the Establishing a Revenue upon their Majesties for the support of this Province fforasmuch as it is manifest that there are severall sums of mony Collected and received by sundry Persons and not paid unto their Majesties Receiver generall And also that there are severall Persons that continue and remain indebtd for the severall duty's and impo-

sitions & excise upon Liquor's which was formerly Established by the Late government for the defraying the Publick Charge thereof and that it is most reasionable and just that all the arrear's of the same should be raised Levyed, Collected answered and payd unto their Majesties Receiver generall, for and towards the payment of the debts aforesaid, Be it therefore enacted by the Authority aforesaid that all and every Person or Person's who have received any sume or sum's of mony from any of their Majesties subjects, with in this Province or under Pretence of any Duty's impositions or Excise formerly established by the Late Government, from the Eleaventh day of August in the year of our Lord One thousand six hundred eighty and eight until the twentieth day of March, in the year of our Lord one thousand Six hundred ninty and one, And likewise all and every Person or Persons that are in arrears, for any of the duty's impositions or Excise as aforesaid shall within four Callender month's after the Publication hereof come unto their Majesties Receiver Generall, at New York and there accompt with him for all and every summe and summes of mony so Collected and received by them, and every of them, And also for what they are in arrears for any of the dutys Impositions, or Excise as aforesaid and pay the same unto him without any further delay and if any Person or Persons shall refuse or neglect upon summon's of their Majesties Receiver generall to account and pay the sumes of mony found due in arrears as aforesaid it shall then be lawfull for their Majesties Receiver generall who is hereby authorized to do the same, to issue out his warrant under his hand & seale to make distress upon the goods and Chattles of such Person or Persons that shall be found indebted or in arrears as aforesaid and the same to expose to sale by publick outcry and the produce thereof to take untill he be satisfied for the summes of money due and in arrears as aforesaid, all which sume & sumes of mony soe received by him shall be payd and imployed, to the uses aforesaid and in such manner and form aforesaid and to no other use intent or purpose whatsoever and all the Acts and Ordinances made by the Late Governor and Councill for and concerning any of the duty's impositions and Excise aforesaid shall remain and continue in their full force and virtue untill all the said sum's of mony and arrear's due thereupon be fully paid and satisfyed according to the tenour of this Act any thing herein or in any other act to the contrary hereof in any way's notwithstanding Provided that all Merchants and other's who are to pay the additionall rates, and Duty's hereby established shall have the time of three month's after their respective entry's made for the duty's aforesaid for the payment of the Rates and duty's aforesaid anything contained to the contrary hereof notwithstanding.

THE SECOND ASSEMBLY.

Second Session.

(Begun Mch. 20, 1693, 5 Wm. & Mary, Benjamin Fletcher, Governor.)

[CHAPTER 30.]

[Chapter 30, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Fowler's Bradford, upon the 9th page following p. 84. Title only is printed in Baskett, p. 21. For note in reference to this act, see Fowler's Bradford, p. CXXXII.]

AN ACT for the Raiseing six Thousand pound's for the Payment of Three hundred Volunteers and their Officers to be imployed in the Reinforcement of the ffrontiers of this Province At Albany from the first day of May then next to the first day of May then next following in the year of our Lord 1694.

[Passed, April 10, 1693.]

WHEREAS upon the first day of May next the time doth Expire wherein the forces lately raised for the defence of the frontier's at Albany were to abide which continuing still dayly Exposed to the Attempts of the ffrench their Majesties declared Enemy's, It is of absolute necessity that they should from the said time be well Reinforced not only for the Preservation of this Province but also for the security and defence of all their Majesties Subjects in the Adjacent Collonyes, and to the end that the said Purposes may be well and Truely Effected, the Representatives Convened, in Generall Assembly doe pray that his Excellency would Levy or cause to be Levyed in this and the Adjacent Collony's Three hundred Effectual men voluntiers to be formed into four Company's of souldiers and Imployed in their Majesties Service for the Security and defence of the frontiers of this Province at Albany and there to continue dureing the time hereafter mentioned and Expressed (that is to say) That his Excellency doth forthwith upon the Publication hereof raise or cause to be raised as aforesaid Two hundred Effectual men voluntiers which are to be formed into four Companys of Souldier's as aforesaid and Imployed at Albany for their Majesties Service as aforesaid and there to continue in the said service from the first day of May next untill the first day of May then next following that shall be in the year of our Lord one thousand six hundred ninty and four And also that his Excellency shall likewise raise

One hundred Effectuall men Voluntiers more, which shall likewise be added to the four Companys aforesaid in equal Proporcon and Posted at Albany as aforesaid and there only to Continue and remain from the first day of November next ensueing untill the fifteenth day of March then following and no Longer. And that his Excellency may be the better Enabled to make such Levyes as aforesaid The Representatives Convened in generall Assembly doth pray that it may be Enacted And be it therefore Enacted by the Governour and Councill and Representatives Convened in generall Assembly and by the authority of the same that a Levy of six thousand pound's Currant mon'y of this Province be Laid assessed raised and Levyed upon all and every of the Inhabitants Residents and ffreeholders, of and in this Province &c for the paying and maintaining of the said three hundred Voluntiers and their Officers together with the Incidentall charges that shall arise thereon according to the establishment hereunto annexed and not otherwise and for no other use intent or Purpose whatsoever to be Layd assessed raised and Levied in each Respective City and County throughout the Pvinc' according to the rates Quota's and Proporcons hereafter following (that is to say) for the City and County of New York one thousand four hundred and fifty pounds being their Quota and Proporcon of the Levy of six thousand pounds aforesaid, for the County of Suffolk in the Island of Nassaw twelve hundred pound's being their Quota and Proporcon as aforesaid, ffor Queen's County in the Island of Nassaw one thousand pound's being their Quota and Proporcon as aforesaid, for King's County in the Island of Nassaw, nine hundred pound's being their Quota' and Proporcon as aforesaid, for the County of West Chester five hundred and sixty pound's being their Quota' and Proporcon as aforesaid, for the County of Ulster and Dutchess County six hundred and thirty pound's being their Quota' and Proporcon as aforesaid, for the County of Richmond Two hundred and thirty pounds being their Quota and Proporcon, as aforesaid, and for the County of Orange thirty pound's being their quota and Proporcon as aforesaid. all which quota's and Proporcons as aforesaid doth in the whole amount unto the sume of six thousand Pound's Currant mon'y aforesaid, which sayd sume of six thousand pound's shall well and truely be payd by the respective Collectors of each respective City & County aforesaid unto their Majesties Collector and Receiver generall for the time being at their Majesties Custome house in the City of New York in two Equall payment's (that is to say) Three thousand pound's Currant mony aforesaid being the one moytie or equall halfe part of the said six thousand pound's at

or before the nine and twentieth day of September next being the ffeast day of St. Michaell the Archangell, and the other three thousand pound's currant mon'y aforesaid being the other moity or equall halfe Pt of the Levey aforesaid at or before the twenty fifth day of March then next following being the ffeast day of the Anunciation of the blessed Virgin Mary, which shall be in the year of our Lord One thousand six hundred ninty & four under the paines and Penalties hereinafter mentioned. And that the said sume of six thousand Pound's according to the Quota's and Proportions aforesaid may be well truely and effectually assessed raised and Collected and Paid unto their Majesties receiver generall in manner aforesaid and for the intent and Purposes aforesaid Be it further Enacted And it is hereby further Enacted by the authority aforesaid That the Mayor and Aldermen within the City of New York for the time being and the Justices of the Peace for the time being for the severall and respective Countys aforesaid for the severall County's respectively for the which they shall be Justices of the Peac' doe within forty days after Publication hereof Assemble meet togaether in the Court houses for the severall respective City's and County's or such other Place or Places, as they shall agree upon amongst themselves and shall there order that the assessors and Collectors for the severall and respective City's Towns Mannors and Liberty's within their severall Jurisdictions for the assessing Collecting and receiveing of the Publick rates for the defraying the Publick and necessary charges of each respective City and County aforesaid, Be the assessors and Collectors for the Assessing Collecting and receiving the sume or sumes of mony hereinbefore mentioned according, to the Proporcons before Expressed as to the sayd Mayor and Aldermen and Justices shall seem meet and reasonable And forasmuch as there are severall mannors and Jurisdictions within the respective County's aforesaid who neglect and doe not Elect annually or once Every yeai assessors and Collector's whereby the intent of this act may be frustrated Be it therefore Enacted by the authority aforesaid that if theRespective manners, and Jurisdictions within the severall County's aforesaid shall refuse or neglect to Elect Assessors and Collectors for the assessing of their respective mannors and Jurisdiction's And for the Collecting the same according to the intent and direction of this Act then and in such Case the Justices of the Peace of the County's where such mannors and Jurisdiction's are, are hereby impowered and authorized to Nominate and appoint assessors and Collectors for Such mannors and Jurisdictions as shall neglect or refuse

as aforesd which assessor's and Collectors shall to all intent's and Purposes observe the directions of this act any thing contained herein to the contrary hereof in any ways notwithstanding And be it further Enacted by the authority aforesaid That the said Mayor Aldermen and Justices of the Peac' for the Respective Citys and County's mannors and Jurisdicons have and shall have power and authority by Virtue of this act each of them by himself to administer an Oath to the said Assessor's well, truely, equally and impartially and in due Proporcon as it shall appear to them, according to their best understanding, to assess and rate the Inhabitants resident's and freeholder's of the respective places for which they shall be chosen assessors, And be it further Enacted by the authority aforesaid that if any Person or Persons who shall be chosen Assessors and Collectors shall deny neglect or unequally or Partially assess or refuse to make such assessment as by this act is required or shall deny neglect or refuse to collect any sume or sumes of mony in form before mentioned assessed that then and in such Case it shall and may be lawfull for any two Justices of the Peac' of the City's and County's where such Offenders shall happen to dwell or reside and who by Virtue of this act are required and impowered to doe the same by warrant under their hand's and seals to commit such assessor or assessor's Colector or Collectors Soe denying neglecting or unequally and partially assessing or refusing to Collect as aforesaid to the Common Goal there to remain' without bayle or mainprise till he or they shall make fine and Ransom to their Majesties for such Contempt as aforesaid. And be it further Enacted by the authority aforesaid that if any Person or Person's of what degree or Quallity soever he or they be within this Provinc' who shall be assessed or rated any sume or sumes of mony by virtue of this act to be raised and Levyed shall deny' refuse or delay to pay and satisfye the same that then it shall and may be Lawfull for any such Collectors by virtue of a warrant under the hand and seal' of any Justice of the Peace for the City or County where such offenders shall dwell or reside who by virtue of this act are required and authorized to grant' and Issue forth such warrant, to Levy the same by distress and sale of such Person or Peson's goods and Chattells returning the Over plus if any be to the Owner's, the sume assessed & Charges of distress and sale being ffirst deducted, and where any of the good's & Chattells shall be distrained for any of the Assessments and Rates aforesaid and the Owner of the said Goods shall not within five day's next after such distress taken and notice thereof with the cause of such takeing left at the house or other most known' Place where the distress was made come and pay to the Collector and

Receiver of the Assessment aforesaid that then after such distress and notice as aforesaid and Expiration of the said five days the Collector or Persons destrayning shall, & may cause the goods and Chattells so distrayned to be appraised by Two sworn apprazers to appraise the same, truely according to the best of their understanding and after such appraisement shall and may lawfully carry or drive the said goods and Chattles so distrained into any County or town throughout the Province, and the said goods and Chattell's shall and may there Lawfully sell for the best Price can be gotten for the same, towards satisfaction of the rates aforesaid and of the charges of such distress appraisement and sale giveing the overplus to the owners. And also be it further Enacted by the authority aforesaid That if any Mayor Aldermen or Justice of the Peac' within the Provinc' who are hereby required impowered and authorised to take Effectuall care that this Act and every Article and Clause therein be duely Executed according to the true Intent and meaning thereof shall deny refuse neglect or delay to doe Perform' fullfill and Execute all and every or any the duty's, Powers and authoritys by this act required and impowered by him or them to be don' Performed fullfilled and Executed and shall thereof be Convicted before the Governour and Councill or before any of their Majesties Court's of Record within this Province he or they shall suffer such pain by fine Imprisonment as by the discretion of the said Governour and Councill and the Justices of the said Courts shall be adjudged. And be it further Enacted by the authority aforesaid that if any action byll Plaint or information shall be brot, moved or Prosecuted at any time hereafter against any Person or Persons for any matter Clause or thing don' or acted in Persuance or execution of this act such Person or Persons soe sued or Prosecuted in any Court whatsoever shall and may plead the generall Issue not guilty and give this act and the speciall matter in Evidence and if the Plaintiff or Prosecutor shall be nonsuited or forbear further Prosecution or suffer discontinuance or verdict to pass against him, the defendant or defdts shall receive trible cost for which they shall have the like Remedy as in Case where cost by the Law are given to defendants. Provided alway's that no Mayor Alderman or Justice of the Peac' shall be troubled sued Prosecuted or molested for any Omission offence or neglect by virtue of this Act but within the space of one Year after such Omission Offence or neglect and not at any time hereafter any thing contayned herein to the contrary hereof in any way's notwithstanding. Alway's Provided and be it further Enacted by the authority aforesaid That the severall Collectors of each respective City and County as aforesaid shall have Liberty to pay the severall and respective

sum's assessed as aforesaid at the day aforesaid in Currant mony at New York, or for want thereof in good sufficient and Merchantable Provision's at the rates and Prises hereafter specified and Expressed (to wit) good and Merchantable Pork at the rate of fifty shillings P barrell the barrell well repackt by the sworn' Packer of New York and the barrell containing thirty one gallon's and halfe Winchester measure at Least, beef at the rate of Thirty two shillings and six Pence P barrell, well repackt by the sworn' Packer of New York aforesaid, the barrell to contain' thirty one gallons and halfe Winchester measure at Least, good Merchantable winter wheat' at four shillings P bushell, tryed tallow' at four Pence halfe penny P pound, Provided alway's and be it further Enacted by the authority aforesaid that if it should soe happen that his Excellency pursuant to the Limitations aforesaid could not effect to raise soe many Voluntiers in manner aforesaid but that for the intent aforesaid, his Excellency should be constrayn'd to make Proportionable detachment's in the respective Citys and County's within this Province to Compleat the Number of the forces aforesaid then It is the true intent and meaning of this act that there be only allowed and Payd unto such Person or Persons soe detached as aforesaid for service aforesaid the summe of Eight penc' P diem for each Person soe imployed as aforesaid & no more any thing contained herein or mentioned in the Establishment hereunto annexed in any way's to the contrary hereof notwithstanding.

An Establishment for the paying of the Officers & Souldiers togeather with the Incidentall Charges which are to be raised for the Reinforcement of Albany &c. from the first day of May 1693 untill the ffirst day of May 1694.

	L.	S.	D.
4 Capts. at 8s P Diem	1.	12.	
4 Lieut at 4s P Diem	0.	16.	
4 Lieut at 3s P Diem	0.	12.	
1 Chirurgion at 2s 6d P diem	0.	02.	6.
1 Commissary for the Store P diem	0.	02.	6.
1 Commissary for Muster	0.	02.	6.
12 Serjeants at 18d P diem	0.	18.	
12 Corporells at 12d P diem	0.	04.	
4 Drums at 12d P diem	0.	04.	
4 Clerks at 12d P diem	0.	04.	
4 Montrosses at 12d P diem	0.	04.	
164 Private Centinells 12d P diem	8.	04.	
P diem	13.	13.	6.

	L.	S.	D.
for 365 days is.....	4991.	7.	6.
100 Private Centinalls for 135 day's at 12d P diem.....	675.	0.	0.
Hospitall for sick soldiers Transportation....	333.	12.	0.
Provision for the transportation bedding Levy mony	260.	12.	6.
for the pay of Town's Mayor at Albany for 365 day's at 4s P diem.....	73.		
L.	6000.		

[CHAPTER 31.]

[Chapter 31, of Livingston & Smith and Van Schaack, where the act is printed in full. Printed in full in Fowler's Bradford, p. 79, where, by a misprint, it is stated to have been passed at an Assembly, held in the spring of 1692. Printed in full in Baskett, p. 17. Confirmed by the King, May 11, 1697. (See Fowler's Bradford, p. CXXXVI.) For note in reference to this act, see Fowler's Bradford, p. CXXVIII.]

AN ACT for calling Long Island the Island of Nassaw.

[Passed, April 10, 1693.]

BE IT ENACTED by the Governour Councill and Representaties, convened in General Assembly, and by the authority of the SAME that the Island, comonlly called and knowne by the Name of Long Island, shall from hence forth be called the ISLAND OF NASSAW. And that after the publication hereof all their Majesties loveing Subjects are hereby required in all grants, Pattents Deeds Conveyances bargaines of Sale Bills, Bonds Records, and other Instruments in Writeing that shall hereafter be made granted, Conveyed, bargained, sold and executed for or Concerning the said Island or any part or place within the same OR in any County thereof to call and Denominate the Said Island in all such Deeds and Escripts as aforesaid the ISLAND OF NASSAW any thing contained in any former Act to the contrary hereof in any wayes notwithstanding.

[CHAPTER 32.]

[Chapter 32, of Livingston & Smith and Van Schaack, where the act is printed in full. Printed in full in Fowler's Bradford, p. 80. Title only is printed in Baskett, p. 18, as having been passed in 1692. From the Minutes of the Council, it appears that the act was passed April 10, 1693. (See Journals of Legislative Council, p. 39.) For note in reference to this act, see Fowler's Bradford, p. CXXVIII.]

An Act for Establishing certain Rates and Duties upon such Goods, Wares and merchandises as shall be brought unto their Majesties Beam in the Weigh house at New-York.

[Passed, April 10, 1693.]

THE Representatives convened in General Assembly being sensible of the great charge that is requisite for the present support of the Government in this time of Warr, and being also willing at all times to manifest their most dutifull Affections unto their Majesties with an humble and thankfull Acknowledgment of their Majesties most gracious and tender regard to ye subjects within the same have cheerfully and unanimously given and granted unto their Majesties an aid and assistance for the better defraying the necessary charge, of the Goverment to be raised and Levied upon all such goods, wares and Merchandises that shall be brought unto their Majesties Beam in the Weigh-house at New-York, according to such rates and Duty's & dureing such time and in such manner and form as herein after followeth. AND they humbly pray that it may be enacted, and be it therefore enacted, by the Governour and Councill and Representatives convened in Generall Assembly) and it is hereby Enacted by the Authority of the same that all the goods wares and merchandizes herein after named and expressed, that shall from and after the Publication here of be Imported to, and Exported from this City, or that shall be bot and sold bartered or Exchanged within the same, shall be first brought unto their Majesties Beam at the Weigh House aforesaid and be there weighed and for the weighing the same, there shall bee answered and paid unto their Majesties Collector and receiver General for the time being or to such Person or Persons as he shall authorise for the attending and receiveing the same the rates and duty's hereafter named established and expressed that is to say, for all Sorts of silk ware about one hundred weight nine Pence P hundred weight, floret or worsted, the same Cochannella the Same, Saffron the same Indigo Exported only six Pence P hundred weight, nothing for Importation Confectures the same, all Sorts

of Spices the same, Spanish, Leather the same, Sugar two Pence halfe penny P hundred weight exported nothing at Importation Candles the same Tobacco two Pence the same sarsaparilla three Pence the same Ivory the same, all sorts of dye wood three halfe pence P cent weight exported only, wool and Cotton Wooll three pence the same, dry hydes Elk and deer Skins two pence, the same, Butter three Pence the same Cheese, the same starch the same, both Exported and imported also, Tallow three pence Exported ginger the same, Hopps the same, dry fish two pence the same, brimstone two pence the same Imported, Rosen Two pence the same Exported only Cordage three pence the same, Grocery ware two Pence the same, Bread one Penny the same, flower one Penny the same Pitch two pence the same, and that all broaken weights shall pay in Pportion accordingly.

AND BE IT FURTHER ENACTED by the authority aforesaid that all other species of goods wares and Merchandizes that are not herein named and Expressed and shall voluntarily be brought by any Person or Persons within the same, to be weighed as aforesaid Shall for such their weighing pay after the rates and Duty's hereby establish'd and not otherwais. And for the better Collecting and paying the Rates and Duty's afore said, be it further enacted by the Authority aforesaid that all such Person or Persons, that from and after the time aforesaid that shall import to or Export from, this City or shall buy sell barter or Exchange within the same any of the goods ware and Merchandises aforementioned Enumerated and Expressed without bringing the same unto their Majesties Beam aforesaid and there answer and pay the rates and duties hereby established as aforesaid, shall then for & So often as he or they shall neglect or refuse to do the same pay or forfeit unto their said Majesties the sume of two shillings and six Pence Currant Money aforesaid, for each hundred weight of such Goods, Wares and Merchandizes, as aforesaid that shall be denyed or refused to be weighed as aforesaid, to be recovered before any Justice of the Peace within the said City or in any Court within the same, by Byll plaint or Information one half unto Their Majesties their heires and successors, and the other halfe unto the Informer or Prosecutor, who shall sue for the same togeather with cost of Prosecution PROVIDED always that the Regulation, nor any part thereof, shall not extend to compell any free holder within this Province to bring his Goods to be weighed who shall swear upon the holy Evangelist bona fiede that all such goods exported or imported are his own proper estate, and that no other Person hath directly or indirectly any Interest therein, but that they are Exported or imported upon his own

proper Accot and risque which if such a Person shall be found falcely to swear, in the Premises shall be prosecuted against as one convicted of willfull Perjury, and that the Collector, or such Person, as he shall appoint, shall be impowered to Administer such an Oath.

THE THIRD ASSEMBLY.

First Session.

(Begun Sept. 7, 1693, 5 Wm. & Mary, Benjamin Fletcher Governor.).

[CHAPTER 33.]

[Chapter 33, of Livingston & Smith, where the title only is printed, as having been passed March 9, 1693. Chapter 35, of Van Schaack, where the title only is printed, as having been passed March 26, 1694. Printed in full in Brinley's Bradford, p. 92, as having been passed in 1694. Title only is printed in Baskett, p. 25, as having been passed in 1695. From the Minutes of the Council, for March 9, 1694, it appears that the act was signed by the Governor on that date. This matter was provided for by ch. 358. The act is printed here, out of its chronological order, to preserve the continuity of chapter numbering, in conformity with L. & S.]

AN ACT for settling Pylotage for all Vessels that shall come within sandy Hook.

[Passed, March 9, 1694.]

Whereas by the late Easterly storm there was severall sand banks thrown off at the south of the harbour at sandy hook whereby the Entry is rendred very difficult and dangerous to all vessels bound for this port and required an attendance of men att the hook to be in readiness to pilot them in to safety be it Enacted and ordained by the Governour and Councill and Representatives Convened in Generall Assembly and it hereby Enacted and ordained by the authority of the same that there shall be four men appointed and commissionated by his Excellency the Governour who shall constantly attend at some convenient place near the Hook with a boat to give aid and assistance to all Vessels bound for this Port which they are obliged to pilot up as far as the narrows.

And be it further Enacted by the authority aforesd that for Every ship or three mast Vessel that shall come within the hook shall be paid six shillings Currant Money of this Province for Each and Every foot water said ship shall draw and for every byrkentine or Ketch that shall come within the hook shall be paid five shillings currt money of this Provin for Each and every foot water said byrkentine or Ketch shall draw and for Every sloop that shall come within the hook shall be paid

Two shillings and six pence per foot for Each and Every foot Water said sloop shall draw, Except all such sloops as belong to this Province and are Coasters upon the main of north America which is to be understood to Extend from Pemiquid to virginia inclusive which Rates hereby Established for the piloting inwards of Each ship or vessel shall be payd by the Master at Entring of Each respective ship or vessell to the Collector or Receiver Generall at the Custom House for the use of the pilots aforesaid provided alwayes that the pilots give their due attendance at the hook and use their endeavour to come off to all vessels inward bound in order to the piloting them up as far as the Narrows and whatever vessell shall come in and not find the pilots at the hook and ready as aforesd shall not be obliged to pay the sd Rates and furthermore the said pilots shall for such their negligence or want of Duty forfeit and pay unto the use of their majesties the summ of five pound and this act shall continue but for one year from the Publication hereof and no Longer.

[CHAPTER 34.]

[Chapter 34, of Livingston & Smith, where the title only is printed, as having been passed March 10, 1693. Chapter 34, of Van Schaack, where the title only is printed, as having passed September 22, 1693. Printed in full in Fowler's Bradford, p. 84, as having been passed at the session beginning September 12, 1693. The title only is printed in Baskett, p. 21. From the Minutes of the Council it appears that the act was passed September 22, 1693. (See Journals of Legislative Council, p. 48.) See ch. 24. For note in reference to this act, see Fowler's Bradford, p. CXXXI.]

AN Act confirming & continuing unto their Majesties the Revenue Established by an act of Generall Assembly made in the 4th year of their Majesties Reign for defraying the publick and necessary charges of the Government five years longer than the term therein mentioned.

[Passed, September 22, 1693.]

The Representatives convened in Generall assembly taking into their serious consideration the extraordinary Expence that the defence of this Province requires from their Majesties dureing this term of war and being Willing on all occasions to give Demonstration of their constant Loyalty and dutyfull affections unto their most Excellent Majesties do humbly pray and beseech that the Revenue given and Granted unto their most sacred Majesties for the term of two years by an act of Generall Assembly made in the fourth year of their Majesties reigne Entituled

an act for establishing a revenue upon their Majesties for the defraying the publick and necessary charges of the Government may be continued and confirmed unto their most Excellent Majesties for the time and Space of five years next after the Expiration of the term of the two years aforesaid, And humbly beseech that it may be Enacted and be it further Enacted by the Governour and Councill and representatives convened in Generall Assembly and by the authority of the same That the Rates Duties and Excise made payable upon Merchandizes ffurs And Liquors shall be levyed, collected and paid unto their most Excellent Majesties for the term and space of five years next and after the expiration of the term limitted in the Said act to commence and be computed from the 18th of May which shall be in the year of our Lord 1693 according to such Rules and Direction and under such pains and forfeitures as is contained and Enjoyned by the said act, and the aforesaid Act and every Article rule and clause therein mentioned shall be, abide and remain in full force and effect to all intents and purposes dureing the said term of five years and no Longer as fully and in like manner as if the same were particularly and att large recited and Set down in the Body of this act any thing contained therein to the contrary hereof in any wayes notwithstanding.

THE FOURTH ASSEMBLY.

First Session.

(Begun Mch. 1, 1694, 6 Wm. & Mary, Benjamin Fletcher, Governor.)

[CHAPTER 35.]

[Chapter 35, of Livingston & Smith, where the title only is printed, as having been passed March 24, 1693. Chapter 36, of Van Schaack, where the title only is printed, as having been passed March 26, 1694. Printed in full in Brinley's Bradford, p 90, as having been passed in 1694. Printed in full in Baskett, p. 23, as having been passed in 1695. From the Minutes of the Council, it appears that the act was signed March 24, 1694. The act was confirmed by the King, May 11, 1697. (See Fowler's Bradford, p. CXXXVI.) The act is presented here, out of its chronological order, to preserve the continuity of chapter numbering, in conformity with L. & S.]

An Act against unlawful by laws and Unreasonable forfeitures.

[Passed, March 24, 1694.]

In all humble manner the Representatives of this their Majesties Province of New Yorke show and Complain unto our Excellency and their Majesties Councill that the people of the Citty of New

York under colour and pretext of their Charter or Custom or both have taken upon them to make and publish Certain by Laws, Orders ordinations, regulation Whereby they forbid the bringing of any Flower or Bread for Exportation to New Yorke under the Penalty of forfeiture of the same which said Citty being the principal Port of this Province for the sending forth the produce and Manufacturage thereof and the Chief Market within the same they thereby not only prohibit the Importation and selling such flower and bread at the same Citty and obstruct and hinder all bolting of flower and baking of bread for Exportation which are Lawful Mysteries, Crafts and Trades in all other parts of the Province but also arrogate to themselves the sole bolting baking Using Making and selling of all such flower and bread raised or to be produced within the Province and under colour and pretence of the sd orders, by laws ordinances and Regulations have taken condemned and converted to their own uses divers Quantities of flower belonging to severall of their Majesties good Subjects of this Province all which being contrary to law, to the grievous damage and Impoverishing of many of their majesties good people and the said by laws and orders unresonable and of evil Dangerous and pernicious Consequence to all their Majesties subjects of the Province they therefore most Earnestly pray that it may be Enacted and it is hereby enacted by his Excellency the Councill and the representatives of this their majesties Province in Generall Assembly met and assembled and by the Authority of the same that the sd pretended by laws, orders, ordinances or Regulations of the people of New Yorke aforesd made in the name of The mayor Alderman and Commonality of the Citty of New Yorke or in or by any other name or stile whatsoever and Every clause or thing in The same or any other rule order or ordinance contained In any wise Conserning the restraint of Bolting of flower baking of bread or Importing of flower or bread to New York aforsd or Concerning or relating to the prohibiting obstruction or hinderance of the using practicing or enjoying of any other lawful Trade Mystery or Occupation or against the importing in or to or Exportation from the Citty of New Yorke or any other Lawful port in this Province any wine Corn Flower bread Flesh, fish Victuals wares Merchandizes and and all other things vendible and not by the common Law or Statutes of the Realm prohibited and all Process Proceedings Judgments and Executions thereupon hereafter to be issued, ordered Entered published or Executed shall be utterly void and holden for none and they are hereby declared void and null to all Intents and purposes whatsoever any pretended by laws or order ordinance Custom Usage or Practice to

the Contrary hereof in any wise notwithstanding, and further Be it Enacted by the Authority aforesaid that if at any time after the making and publishing of this act any officer or minister or other person or persons whatsoever shall presume by or under colour of any such pretended by laws orders ordinances or Regulations to take seize condem or convert to his or their own use or uses any flower or other Goods or Merchandises whatsoever not by law prohibited at any time to be Imported to or Exported from the said Citty of New Yorke or any other lawfull port in this Province he they and every of them shall forfeit to the owner of such flower bread and other goods or Merchandizes trible the value of the flower bread or other Goods or Merchandizes so to be taken seized condemned or converted as aforesd and also his tribble Costs to be recovered by accon of Debt in any of their Majesties Courts within this Province where in no Essoyn Protection or wager of law nor any more than one Imparlance shall be allowed provided alwayes and it is the true Intent and Meaning of this Act That no officer minister or other person or persons shall at any time be impeached prosecuted condemned troubled disquieted by Virtue of this act or upon any Construction or Interpretation of the same for any fact Mater or thing acted done perpretrated or committed at any time before the making and publication hereof but that such officers minister or other person or Persons as to any such fact matter or thing heretofore acted, done perpretrated or committed shall be and remaine in such plight State and condition as if this Act and every clause therein contained had never been made any thing before herein Expressed to the contrary hereof in any wise notwithstanding.

[CHAPTER 36.]

[Chapter 36, of Livingston & Smith, where the act is printed in full, as having been passed March 24, 1693. Chapter 33, of Van Schaack, where the act is printed, in full, as having been passed September 22, 1693. Printed in full, in Fowler's Bradford, p. 81, as having been passed at an Assembly begun September 12, 1693. Printed in full in Baskett, p. 19. From the Minutes of the Council, it appears, that the act was passed September 22, 1693. (See Journals of the Legislative Council, p. 48.) The act was confirmed by the King, May 11, 1697. (See Fowler's Bradford, p. CXXXVI.) For note in reference to this act, see Fowler's Bradford, p. CXXIX.]

AN Act for Settling a Ministry & Raising a Maintenance for them in the City of New York County of Richmond Westchester and Queens County.

[Passed, September 22, 1693.]

WHEREAS Prophaneness and Liscentiousness hath of late over spread this Province for want of a settled Ministry

throughout the same to the end the same may be removed and the Ordinances of God daily administred be it Enacted by the Governour and Council and Representatives convened in Generall Assembly and by the Authority of the same that in each of the respective Cities and Counties hereafter mentioned and expressed there Shall be called inducted and established a good sufficient Protestant Minister to officiate and have the care of souls within one year next and after the publication hereof that is to say in the City of New Yorke One in the County of Richmond one in the County of Westchester two, one to have the care of Westchester, Eastchester, Yeanches and the Manner of Pellham, the other to have the care of Rye, Mamaranock and Bedford, in Queens County two one to have the care of Jamaica and the adjacent Towns and farms the other to have the care of Hempsted and the next adjacent towns and farms. And for their respective Encouragement Be it further Enacted by the authority aforesaid That there shall be annually and once in every year in every of the respective Cities and Counties aforesaid assessed levyed, collected and paid for the maintenance of each of their respective Ministers the respective sums hereafter menteoned that is to say, For the City and County of New-Yorke one hundred Pounds for the two Precincts of Westchester one hundred pounds to each fifty pounds to be paid in Country produce at money price for the County of Richmond forty pounds in Country Produce at money price, and for the two precincts of Queen County one hundred and twenty pounds to each sixty pounds in Country Produce at Money price. And for the more orderly raising the respective Maintenances for the Ministers aforesaid Be it further Enacted by the Authority aforesaid That the respective Justices of Every City and County aforesaid or any two of them Shall every year issue out there warrants to the constables to summon the ffreeholders of every City County and Precinct aforesaid together on the 2d Tuesday in January for the chusing of ten Vistry men and two Church Wardens and the said Justices and Vistry men or major part of them are hereby impowered within ten days after the said day or in any day after as to them shall seem convenient to lay a reasonable Tax on the respective City County parish or precinct for the Maintenance of the Minister and Poor of there respective places and if they shall neglect to issue their warrants so as the Election be not made that day they shall respectively forfeit five pounds Currant money of this

Province and in case the said ffreeholders duely summoned as aforesaid shall not appear or appeareing do not chuse the said ten Vistry men and two church wardens that then in there default the said Justices shall within ten days after the said Tuesday or in any day after as to them shall seem convenient lay the said reasonable Tax on the said respective places for the respective Maintenances aforesaid and if the said Justices and Vestry men shall neglect their duty herein they shall respectively forfeit five pounds currant money aforesaid.

AND be it further Enacted by the authority aforesaid that such of the Justices and Vistry men that shall not be present att the time appointed to make the said tax and thereof be convicted by a Certificate under the hands of such as do appear and have no sufficient Excuse for the same shall respectively forfeit five pounds Currant money aforesaid and A roll of the said Tax so made shall be delivered into the hands of the respective constables of the said Cityes County parishes, and precints with a warrant signed by any two Justices of the Peace, impowering him or them to levy THE said Tax and upon refusal to distrain and sell by publick out cry and pay the same unto the hands of the church wardens retaining to himself 12d per pounds for levying thereof and if any Person shall refuse to pay what he is so assessed and the said constables do strain for the same all his charges shall be paid him with such further allowance for his pains as the Said Justices or any of them shall judge reasonable and if the said Justice or Justices shall neglect to issue the said warrant he or they respectively shall forfeit five pounds currant money aforesaid, and if the said constables or any of them fail of their Duty herein They shall respectively forfeit five pounds currant money aforesaid and the church wardens so chosen shall undertake the said office and receive and keep a good Account of the Moneys or Goods Levied by virtue of this act and the same issue by order from the said Justice and Vistry men of the respective Cityes Counties precincts and parishes aforesaid for the purposes and intents aforesaid and not otherwise and the church wardens shall as often as thereunto required yield an Account unto the Justices and Vistry men of all their receipts and disbursements and in case the church wardens or any of them shall neglect their duty herein they shall respectively forfeit five pounds currant money aforesaid for every refuseal. And be it further enacted by the authority aforesaid that the said church wardens in their respective precincts aforesaid shall by warrant as aforesaid pay unto the respective Ministers the Maintenance aforesaid

by four equal and quarterly payments under the penalty and forfeiture of five pound Currant money aforesaid for each neglect refusal or default the one half of all which forfeitures shall be disposed of to the use of the poor in each respective precinct where the same doth arise and the other half to him or them that shall prosecute the same. ALWAYS provided and be it further Enacted by the authority aforesaid that all and every of the respective Ministers that shall be settled into the respective Cityes Countyes and precincts aforesaid shall be called to officiate in their respective precincts by the respective Vestry men and church wardens aforesaid and always provided that all former agreements made with Ministers throughout this province shall continue and remain in their full force and virtue any thing contained herein to the contrary hereof in any ways notwithstanding.

[CHAPTER 37.]

[Chapter 37, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Brinley's Bradford, p. 89. Title only is printed in Baskett, p. 21. The act expired November 14, 1695, see chapter 42.]

An Act Confirming and continuing an Act of Generall Assembly made in the fourth year of their Majesties Reign Entituled An Act for the satisfying and paying the debts of the Government one year longer than the term therein mentioned.

[Passed, March 26, 1694.]

Whereas it is found needfull that there should be forthwith raised the sum of six hundred pounds Currant money of this province for the Defraying the charges of his Excellency Expedition to Albany and the making of presents to the Indians and Whereas there is an act of Generall assembly made in the fourth year of their majesties reign Entituled an act for the satisfying and paying the debts of the Government which doth Expire by its own limitation upon the 14th day of november next and whereas it is thought convenient for the payment of the said sum of six hundred pounds with ten per Cent annuall Interest that the said Act Entituled An Act for the satisfying and paying the debts of the Government should be confirmed and continued in Force one year Longer than the Term therein mentioned be it therefore Enacted by the Governour and Councill and Representatives convened in Generall assembly and it is hereby Enacted by the authority of the same That the additional rate

and Duties made payable upon merchandize and liquors imported into this province by virtue of the said act shall be levyed collected and paid unto their Majesties receiver Generall for the time being at their majesties Custom house at the Citty of New Yorke for the term and space of one whole year next and after the Expiration of the term limited in the said act to commence and be computed from the 14th day of november next in this Instant yeare of our Lord 1694 and to terminate and end upon the 14th day of november then next following which shall be in the yeare of our lord one thousand six hundred ninty and five according to such rules and Direction and under such Pains and forfeitures as is contained and Enjoyed by the late said act And the aforesd act and Every article rule and Clause therein mentioned shall be, abide continue and remain in full force virtue and Effect to all Intents and purposes for the payment of the said six hundred pounds with the Interest aforesaid During the said term one whole year and no longer as fully and in Like manner as if the same were particularly and at large recited and set down in the body of this act any thing contained therein to the contrary hereof in any ways notwithstanding, allwayes provided that if the said additionall rates and duties shall during the said Term of one whole Year amount to more than the sum of six hundred pounds aforesd with the Interest aforesd then the residue or surplusage of the sd sum shall be applyed for the satisfying and paying the Debts of the Government according to the Directions contained in the said act and to no other use or Intent whatsoever.

[CHAPTER 38.]

[Chapter 38, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Brinley's Bradford, p. 89. The act does not appear in Baskett.]

AN ACT to enable the Citty and County of Albany to defray their Necessary Charge.

[Passed, March 26, 1694.]

FORASMUCH as the Inhabitants of the City and County of Albany have been during the time of the late disorders very much aggrieved wasted destroyed and impoverished by the Incursions of the French their Majesties declared enemies and that it is absolutely necessary that some suitable and Convenient way should be found out for the Relief and more easie

defraying of the necessary Charge of that Citty and County BEE IT THEREFOR ENACTED By the Governour and Councill and Representatives convened in generall assembly AND IT IS HEREBY ENACTED by the Authority of the same that the Imposition or rate of two per Cent shall be raised and levyed upon all Indian Goods that are brought up to that Citty and County of Albany and there sold or Consumed and alsoe that the Impost of three pence be raised and levied upon Each gallon of Rum that is sould and consumed within that Citty and County and for the due and orderly Collecting of the sd Respective Imposts and rates the Treasurer of the sd. Citty for the time being or any appointed by him and the Mayor of the said Citty under the publick seal of the sd. Citty are hereby impowered and authorized to appoint constitute and Establish A Collector or receiver of the rates and Imposts aforesd. who shall have power to receive the same and to enter in a far book kept for that purpose all such sume and sums of money as shall be so Entered and received for the respective Duties aforesd. THE Collectors or receivers appointing certain convenient times and places for the keeping of the office as shall be Directed by the Court of Mayor and Alderman and assistants of the sd Citty and all persons that Trade and bring up to the sd Citty and County the aforementioned Indians goods and Rum are hereby required to make a report of the Quantity and value of Such Goods and rum they so bring up and sell in the sd. Citty and County aforesaid and pay the duties and imposts hereby Established without being at any further Charge than the sd. duty and in default thereof it shall be lawfull for the Mayor treasurer or any other officer hereby authorized To issue out his or their Warrants under his or their hand and seale for the seizing of all Such Goods and Rum as shall be Embezeled and not pay the Duties aforesd one third to the Informer one third to the said Citty and County of Albany and one third to his Excellency the Governour or Commander in Chiefe for the time being Provided that all the sums of Money that are hereby received shall be only appropriated and applyed to the defraying of the necessary Charge of the Citty and County aforesaid and that the Treasurer Collector or Receiver for the time being shall not pay any of the Money received as aforesd But by Warrt from the Mayor of the said Citty and approved by the Justices of the Peace of the sd County provided that this act shall only remain in force for the space of one year to commence from the 18th of May next ensuing and No Longer any thing contained herein to the Contrary in any ways notwithstanding.

[CHAPTER 39.]

Chapter 39, of Livingston & Smith and Van Schaack, where the title only is printed, as having been passed March 26, 1694. This act is not in Brinley's Bradford or in Baskett. In Bradford's, 1710, ed., p. 24, and Bradford's, 1715, ed., p. 24, the title of the act is printed as having been passed in 1695. In Bradford's, 1732, ed., however, the error is corrected and the title of the act is printed as having been passed in 1694. From the Minutes of the Council, it appears that the act was passed March 26, 1694. (See Journals of the Legislative Council, p. 56.)]

An Act for the raising and paying one hundred and Seaventy men for the Securing the fronteers of this Province in the Citty and County of Albany.

[Passed, March 26, 1694.]

The Representatives convened in Generall assembly do think it necessary for the secureing the fronteers of this Province in the Citty and County of Albany that his Excellency the Captain Generall do raise one hundred and Seventy men with their proper officers in such Quotas and proportions in each respective Citty and County as is hereafter specified and Expressed which shall be well provided with arms and be at Albany on the first day of may next and there to continue and remain for the Security of the fronteers of this Province for the term and space of one whole year to commence on the sd first day of May next ensuing the Publication hereof and to terminate and Expire on the first Day of may then next following which shall be in the Year of our Lord one thousand six hundred ninety and five which Quota's and proportions of men is as followeth viz: For the Citty and County of New Yorke forty three Effective men for the county of Westchester seventeen Effective men for the County of Richmond Eight effective men for Kings County twenty four Effective men for Queens County two and thirty Effective Men, for suffolk County thirty five Effective men And for Ulster and Dutchess County Eleven Effective men.

And to the End that the said men may be Effectually Raised according to the Quota's and proportions aforesd Bee it Enacted by the Governour Council and Representatives convened in Generall assembly and by the authority of the same that if any person or persons who in pursuance of such warrant or Warrants to be by his Excellency the Captain Generall issued out to the chief Military officer or officers of Each Respective Citty and County or Counties as aforesd shall be warned to be in Arms in order to the Raising of the one hundred and seventy men aforesd shall neglect delay or Refuse to appear in Arms or otherwise

absent him or themselves from such Duty shall forfeit for Each such Default the sume of five pounds currant money of New Yorke to be levied by Distress by Warrant under the hand and seal of any Justice of the peace Directed to the Constable within this Province on the Goods and Chattels of Every such Person or persons so offending as aforesd upon a Certificate of such Default made from the Capt or chief officer of such Company in or to which the sd offender shall be listed or belong under his hand and seal the said Goods and Chattels so taken by Distress shall be Exposed to sale and the overplus thereof if any be shall be returned to the Person so offending the sum forfeited and charges of distress and sale being first deducted which Said sum of five pounds shall be imployed for the Encouragement & raising the Quotas of men by this Act in Each respective City & County or Countys to be raised as aforesaid and in case such person or persons so offending as aforesd shall not have Goods and Chattels to be found to pay and satisfie the sum of five pounds aforesd such Person or persons upon Certificate and by such Warrants as aforesd shall be committed to the common Goal of the same Citty & County or Counties there to remain without bail or mainprise for the space or term of five Kalander moneths or untill he or they shall satisfie the sum of five pounds aforesd and for the paying and maintaining the sd one hundred and seaventy men with their proper officers. Bee it further Enacted by the Authority aforesaid that a levy of two Thousand six hundred and sixty pounds currant money of this Province be laid assessed raised and levyed upon all and Every the Inhabitants Residents ffreeholders of and in this Province towards the paying and maintaining the said one hundred and seventy men and their proper officer for the space and term of one whole year as aforesd which together with the sume of Eight hundred pounds which is and remaine a surplusage over and above what is required or due by an Act lately made Entituled an Act for the Raising six thousand pound for the payment of three hundred Volunteers &c makes in the whole the sum of three thousand four hundred and sixty Pounds which is hereby allotted and appointed for the paying and Defraying the Incidentall charges of the said one hundred and seventy men with their proper officers and for no other use intent or purpose whatsoever to be laid assessed raised levyed and paid to their majesties Collector and Receiver generall for the time being at their Majesties Custome house in the Citty of New Yorke in two Equall payments that is to say the sume of thirteen hundred and thirty pounds being the one moyety or Equall half part of the said sum of two Thousand six hundred and sixty pounds

aforesd at or before the 29th day of september next Ensuing the publication hereof and the sum of thirteen hundred and thirty pounds being the other moyety or Equall half part of the said sum of two thousand six hundred and sixty at or before the 28th day of March then next following which shall be in the year of our Lord one thousand six hundred ninety and five according to the Quotas and proportions hereafter following that is to say for the Citty and County of New Yorke one thousand fifty one pounds being their Quota and proportion of the sum of 2660 £ aforesd for the County of westchester one hundred and thirty three pounds being their Quota and proportion of the 2660 £ aforesd For the County of Richmond Eighty pounds being their Quota and proportion of the pounds 2660 aforesd For Kings County three hundred forty six pounds their Quota, and proportion of pounds 2660 aforesd. For Queens County three hundred Eighty seven pounds being their Quota and proportion of pounds 2660 aforesd for Suffolk County four hundred and thirteen pounds being their Quota and proportion of pounds 2660. For Ulster and Dutchess County two hundred thirty and six pounds being their Quota and proportion of pounds 2660 aforesd and for Orange County fourteen pounds being their Quota and proportion of pounds 2660 aforesd, And be it further Enacted by [At this point in the act, the rolls are so badly blotted as to render this clause illegible.]

sd fuzileers shall be dulely and truly

October next without any Delay

of the same upon any pretence whatsoever

And be it further Enacted by the Authority aforesaid that for the Better assessing Raising and paying the sum of two thousand six hundred and sixty pounds aforesd the mayor and Aldermen within the City of New Yorke and the Justices of the Peace for the time being for The Severall and Respective Counties aforesd for the severall Counties Respectively for which they shall be Justices of the Peace do forthwith upon the publication hereof assemble and meet together at the Court houses for the severall respective Cittys or Counties or such other place or places as they shall agree upon amongst themselves and shall there order that the assessors and Collectors for the severall Respective Citties Towns mannors and liberties within their severall Jurisdictions for the assessing

Collecting and receiving of the publick rates for the Defraying the publick and necessary charge of Each respective Citty and County aforesd be the assessors and Collectors for the assessing collecting and Receiving the sum or sums of money hereinbefore mentioned according to their Quotas and proportions before Expressed as to the sd Mayor Aldermen and Justices of the peace shall seem meet and Reasonable. And be it further Enacted by the authority aforesd That the said Mayor and aldermen and Justices of the peace for the Respective Cities Counties mannors and Jurisdictions have and shall have power and authority by virtue of this act Each of them by himself to administer an Oath to the said Assessors well Truely Equally Impartially and according to their best Understanding to assess and rate the Inhabitants residents and freeholders of the respective places for the which they shall be chosen assessors An be it further Enacted by the authority aforesd That if any Person or Persons who shall be chosen assessors or Collectors shall deny neglect or refuse to take the oath as aforesd or shall in any ways deny neglect or unequally and partially assess or refuse to make such assessment as by this Act is required or shall deny neglect or refuse to collect any sum or sums of money in form before mentioned assessed That then and in such case it shall & may be lawfull for any two of their Majesties Justices of the peace of the County where such offender shall happen to dwell or reside and who by virtue of this act are Required and impowered to do the same by warrt under their hands and seals to commit such assessor or assessors Collector or Collectors so Denying refusing neglecting or unequally and partially assessing to ye common Goale, there to Remain without bail or Mainprize till he or they shall make fine and Ransom to their Majesties for such Contempt as abovesaid. And be it further Enacted by the authority aforesd That if any person or Persons of what degree or quality soever he or they be of within this Province who shall be assessed or rated any sum or sums of money by virtue of this act to raised or levied shall deny refuse or Delay to pay and satisfie the same that then it shall and may be lawfull for any such Collectors by virtue of a Warrant under the hand and seal of any Justice of the peace for the City or County where such offender shall dwell or reside who by virtue of this act are required and authorized to grant and issue forth Such Warrants to levy the same by distress and sale of such person or Persons Goods & Chattels returning the overplus of such Goods and

Chattles to the Owners, the sum assessed and Charges of Distress and sale being first deducted if any such overplus shall happen to be And also be it further Enacted by the authority aforesd That if any Mayor Alderman or Justice of the peace within this Province who are hereby required impowered and authorized to take Effectuall care that this Act and Every article clause therein be Duly and truely Executed according to the true and genuine sence and intent thereof shall deny refuse neglect or delay to perform fullfill and Execute all and Every or any the duties powers and authorities by this Act required & impowered by him or them to be done performed fulfilled and Executed and shall thereof be lawfully convicted before any of their Majesties Courts of Record within this province he or they shall suffer such pain by fine & Imprisonment as by the discretion of the Justices of the sd Courts shall be adjudged, And be it further Enacted by the authority aforesaid That if any action bill plaint or Information shall be brought moved or prosecuted at any time hereafter against any person or Persons for any matter Cause or thing done or acted in pursuance or Execution of this act such person or Persons so sued or prosecuted in any Court whatsoever shall & may plead the generall issue not guilty & upon any Issue soe sued may give this act & the speciall matter in Evidence & if the plaintiff or prosecutor shall be nonsuited or forbear further prosecution or suffer discontinuance or verdict to pass against him the Defendant or Defenders shall recover their trible Costs for which They shall have the like remedy as in any case where costs by the law are given to defendants provided alwayes that no Mayor Aldermen or Justices of the peace shall be troubled sued prosecuted or molested for any omission offence or neglect by virtue of this act but within the space of one yeare after such omission offence or neglect and not at any time hereafter, any thing contained herein to the contrary hereof in any wise notwithstanding. And be it further Enacted by the Authority aforesd That what person so Ever shall absent himself from the place of his abode after the Publication of this act without leave first had from his respective Captain or chief officer shall incur and be liable to the same fine and punishment as if he had been legally summoned.

THE FOURTH ASSEMBLY.

Second Session.

(Begun Sept. 25, 1694, 6 Wm. & Mary, Benjamin Fletcher, Governor.)

[CHAPTER 40.]

[Chapter 40, of Livingston & Smith, where the title only is printed as having been passed October 17, 1694. Chapter 40 of Van Schaack, where the title only is printed as having been passed October 22, 1694. Title only is printed in Brinley's Bradford, p. 116. Title only is printed in Baskett, p. 21, as having been passed in October, 1694. Reprinted in Baskett, on page 26, as having been passed in 1695. The commissioners have been unable to obtain a copy of the act as it is not among the enrolled bills in the New York State Library. From the Minutes of the Council it appears that the act was passed October 17, 1694. (See Journals of Legislative Council, p. 63.)]

AN ACT to enable Isaac Lanser, to set up a mill for making linseed oyl.

[Passed, October 17, 1694.]

[CHAPTER 41.]

[Chapter 41, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Brinley's Bradford, p. 114. Title only is printed in Baskett, p. 21. The original law is not in the office of the Secretary of State, nor is a transcript among the enrolled bills in the New York State Library. This copy is made from Brinley's Bradford. From the Minutes of the Council, it appears that the act was passed October 22, 1694. (See Journals of Legislative Council, p. 65.)]

AN ACT for the raising and paying one Hundred Men, to be raised for the Re-inforcing the Fronteers of this Province, in the City and County of Albany.

[Passed, October 22, 1694.]

THE Representatives, convened in General Assembly, taking into their Consideration, that part of his Excellency's Speech Relating to the Re-inforcing the Fronteers of this Province, in the City and County of ALBANY, for this ensuing Winter Season, do pray, that his Excellency, the Captain General, do forthwith raise the Number of one Hundred Men, in such Quota's & Proportions in each respective City and County, as is hereafter specified and expressed, which shall be well provided with Arms, and be at ALBANY, on the first day of NOVEMBER next ensuing the Publication hereof, and there to continue and remain for the Re-inforcement of the Fronteers aforesaid, and to be joyned to the Forces at Albany, raised by the last Act of Assembly, for the space and term of four Kalender Months, and one, half, to commence on the said first day of NOVEMBER, next ensuing the Publication hereof, and to terminate and expire on

the fifteenth day of MARCH, then next following. Which Quota's and Proportions of Men are as followeth, viz.

For the City and County of NEW YORK, Twenty five effective Men.

For the County of WESTCHESTER, Ten effective Men.

For RICHMOND County, Five effective Men.

For KINGS COUNTY, Fifteen effective Men.

For QUEENS COUNTY, Nineteen effective Men.

For SUFFOLK COUNTY, Twenty effective Men.

For ULSTER and DUTCHESS County, Six effective Men.

And to the end that the said Men may be effectually raised, according to the Quota's and Proportions aforesaid, Be it Enacted by the Governour and Council, and Representatives convened in General Assembly, and by the Authority of the same. That if any Person or Persons who in Pursuance of such Warrant or Warrants, to be by his said Excellency the Captain General, issued out to the chief Military Officer or Officers of each respective City and County or Counties, as aforesaid, shall be warned to be in Arms, in order to the raising one hundred Men aforesaid, shall neglect, delay or refuse to be in Arms, or otherwise absent himself, or themselves, from such duty as aforesaid, shall forfeit for each default, the sum of five Pounds, current Money of this Province, to be levyed by Distress by Warrant under the Hand and Seal of any Justice of the Peace within this Province, directed to the Constable to levy the same on the Goods and Chattles of every Person or Persons so offending, as aforesaid, upon a Certificate of such Default made, from the Captain or chief Officer of such Company, in or to which said Officer shall be listed or belong, under his hand and seal, the said goods and Chattles so taken by Distress, shall be exposed for sale, and the overplus thereof, if any be, shall be returned to the Person so offending, the sum forfeited and Charges of Distress and sale being first deducted; which said sum of five Pounds, shall be imployed or the encouragement of and raising the Quota's of Men aforesaid. and in case such Person or Persons so offending, as aforesaid, shall not have Goods and Chattles to be found to pay and satisfie the sum of five Pounds aforesaid, such Person or Persons upon Such Certificate, and by such Warrant as aforesaid,shall be committed to the common Goal of the same City and County or Counties, there to remain without Bail or main prize for the space and term of five Kalender Moneths, or until he or they shall satisfie the sum of five Pounds aforesaid.

And for the paying and maintaining the said one hundred Men, Be it further Enacted by the authority aforesaid, That a Levy of five Hundred Pounds current Money aforesaid, shall

be laid, assessed, raised, and levyed upon all and every the Inhabitants, Residents and Freeholders of and in this Province for the paying & maintaining the said one hundred Men for the space and term of four Kalendar Moneths and one half, as aforesaid and for no other use, intent or purpose whatsoever. To be laid, assessed, raised, levyed and paid to their Majesties Collector and Receiver General for the time being, at their Majesties Custom-House in the City of NEW-YORK, on the first Day of FEBRUARY, next ensuing the Publication hereof, according to the Rates and Proportions following that is to say,

For the City and County of NEW-YORK, One Hundred Ninety Seven Pounds ten Shillings.

For the County of WESTCHESTER, Twenty five Pounds.

For the County of RICHMOND, Fifteen Pounds.

For KINGS COUNTY, Sixty five Pounds six Shillings.

For QUEENS COUNTY, Seventy two Pounds ten Shillings.

For the County of SUFFOLK, Seventy seven Pounds 13 Shillings.

For ULSTER & DUTCHESS COUNTY, Forty four Pounds seven Shillings.

And for ORANGE COUNTY, Two Pound fourteen Shillings.

And be it further Enacted by the Authority aforesaid, That for the better assessing, raising and paying the sum of Five Hundred Pounds aforesaid, the Mayor and Aldermen of the City of NEW-YORK, the Justices of the Peace, the Assessors and Collectors, for the time being, of all and every the respective Cities, Counties, Towns, Mannors or Liberties within this Province, are hereby required, impowered and authorized to summons, assess collect and pay the several sums of Money herein before mentioned, according to the Proportions before expressed, in such ways and means, and according to such manner, rule and direction, and under such Pains and Penalties as is contained, enjoyned, prescribed and directed in an Act of General Assembly, passed in the last Sessions of Assembly, and entituled, an Act for the Raising & Paying One Hundred and Seventy Men for the Securing the Fronteers of this Province in the City and County of Albany; and all and every Article, Rule, Clause, Pains and Penalties mentioned in the aforesaid Act, for and concerning summoning, Assessing, collecting and paying, shall be, abide and remain in full force and effect to all intents and purposes, in as full and ample manner, for the due Execution of this Act, until the above-said sum of five Hundred Pounds be duely, fully and compleatly assessed, collected and paid, as above-said directed, as fully and in like manner as if the same were particulary and at large

recited and set down in the body of this Act, any thing contained therein to the Contrary hereof in any wayes notwithstanding. And the Mayor and Aldermen of the City of NEW-YORK and all the Justices, Assessors and Collectors of the respective Cities and Counties within this Province, and all others concerned herein, are to take Notice hereof accordingly.

[CHAPTER 42.]

[Chapter 42, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Brinley's Bradford, p. 116. Title only is printed in Baskett, p. 21. The original law is not in the office of the Secretary of State, nor is a transcript among the enrolled bills in the New York State Library. This copy was made from Brinley's Bradford. From the Minutes of the Council, it appears that the act passed the Council and was signed by the Governor, October 23, 1694. (See Journals of the Legislative Council, p. 66.)]

AN ACT confirming and continuing an Act of Generall Assembly made in the fourth year of their Majesties Reign Entitled AN ACT for the satisfying the debts of the Government one year longer then the time mentioned for its last continuance, to be imployed for the Rebuilding of their Majesties Chappel in the Fort, the mounting of 16 Great Guns and defraying the Debts of the Government.

[Passed, October 23, 1694.]

WHEREAS it is found necessary that their Majesties Chappel in the Fort within the City of New-York should with all convenient speed be re-built, and the great Guns lately sent by their Majesties, for the Defence of this their Majesties Province, should be forth-with mounted, the Representatives convened in General Assembly, humbly pray that it may be enacted, that four hundred and fifty pounds may be raised towards the re-building of their Majesties said Chappel, and one hundred and fifty Pounds may be likewise raised for the Mounting of the said sixteen great Gunns. And whereas there is an Act of General Assembly, made in the fourth year of their Majesties Reign, entituled An Act for the satisfying and paying the Debts of the Government, which doth expire by its own limitation upon the fourteenth day of November next, and from thence continued by another Act of General Assembly, for the space and term of one Year longer than the said fourteenth day of November next, which shall expire and terminate on the 4th day of November then next following, which shall be in the Year of our Lord 1696.

And whereas for the end aforesaid it is thought convenient that the said Act, entituled An Act for the satisfying and paying the Debts of the Government, should be confirmed and continued in force one year longer than the term now last mentioned, Be it therefore Enacted by the Governour, Council and Representatives convened in General Assembly and it is hereby Enacted by the Authority of the same. That the additional Rates and duties, made payable upon Merchandizes and Liquors imported into this Province, by virtue of the said act, shall be levied, collected and paid unto their Majesties Collector and Receiver General for the time being, at their Majesties Custom-house in thee City of New York for the term and space of one whole year next and after the expiration of the term next above expressed and mentioned to commence & be computed from the said 14th day of November which shall be in the year of our Lord 1695, and to terminate & end upon the 14th day of November then next following, which shall be in the year of our Lord 1696, according to such Rules and Directions, and under such Pains, Penalties and Forfeitures as is contained and enjoyned by the said Act. And the aforesaid Act and every Article Rule, Clause and Direction therein mentioned shall be, abide, continue and remain in full force, virtue and effect to all intents and purposes whatsoever, for the payment of the said six hundred Pounds, during the said Term of one whole year, and no longer, as fully and in like ample manner as if the same were particularly and at large recited and set down in the Body of this Act, any thing contained therein to the contrary thereof in any ways notwithstanding. Always provided, That if the said Additional Rates and Duties, during the said Term of one whole Year amount to more than the sum of six hundred Pounds aforesaid, then the residue or surplusage of the said Sum shall be applyed to the satisfying and paying the Debts of the Government, according to the Directions contained in the said Act, and to no other use, intent or purpose whatsoever.

And be it further Enacted by the Authority aforesaid, That if any Gentlemen, Merchants, Traders, or any other Person or Persons shall advance the Whole sum of Six Hundred Pounds aforesaid, or any part thereof, upon the credit of this Act, he or they so advancing such Sum or Sums of Money shall be allowed for so much of the same as they shall so advance, not exceeding the sum of six hundred Pounds aforesaid, the sum of Ten per Cent, annual interest.

The End of the Second Session of the fourth Assembly.

THE FOURTH ASSEMBLY.

Third Session.

(Begun Mch 21, 1695, 7 Wm. & Mary, Benjamin Fletcher, Governor.)

[No acts were passed at this session.]

THE FIFTH ASSEMBLY.

First Session.

(Begun June 20, 1695, 7 Wm. III, Benjamin Fletcher, Governor.)

[CHAPTER 43.]

[Chapter 43, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Brinley's Bradford, p. 100. Title only is printed in Baskett, p. 25.]

AN ACT for Raising Eight hundred Pound's for the Paying and maintaining of the Officers and Soldiers Imploy'd for the Secureing the frontiers of this Province at Albany from the Pmo. May to the Pmo. August 1695.

[Passed, July 2, 1695.]

Whereas there hath been lately raised & detacht Several forces for the Security of the ffrontiers of this Province at Albany who have been there Imploy'd for that Service from the first of May Last & are thereto continue untill the first day of August next ensueing to the End therefore that the said forces may attend the Said Service Be it Enacted by the Governor & Councill & Representatives Convened in Generall Assembly and by the Authority of the same that a Levy of Eight hundred Pound's currant mony of this Province be laid assessed raised & levyed upon all & every the Inhabitants Residenters, and ffreeholders of & in this Province for the paying & maintaining the Said forces and their proper Officers together with the incidentall charges ariseing thereon dureing the time aforesaid & for no other use intent or Purposes whatsoever to be assessed raised Levyed & paid to his Majesties Collector and Receiver Generall for the time being at his Majesties Custome House in the Citty of New York on or before the twenty fifth day of March next Ensueing the Publication hereof according to the rates and Pporcons following (that is to Say) ffor the City & County of New York two hundred twenty four pounds for the County of Orange Eight Pound's for the County of Westchester forty pound's, ffor the County of Suffolk one hundred and Sixty Pound's for Queen's

County one hundred and twelve pound's, for King's County one hundred fifty two pound's, for the County of Richmond Sixteen Pound's for Ulster & Dutchess County Eighty Eight Pound's, And be it further enacted by the Authority aforesaid that for the better assessing raising and Paying the aforesaid summe of Eight hundred Pounds Currant mony aforesaid the Mayor and Aldermen of the City of New York the Justices of the peace, the assessors and Collectors for the time being of all and every the respective City's County's Town's Mannors, Liberty's or Jurisdiction's within this Province are hereby required impowered and authorized to Summons assess collect and pay the Severall Sumes of mony herein before menconed according to the Proporcons before expressed in Such way's & means & according to such manner rule and direcon and under such paines and penalties as are conteined enjoyned prescribed & directed in an act of Generall Assembly Passed in the Sixth year' of his Majesties Reign' Entituled an Act for the Raising and Paying one hundred and Seventy men for the secureing the fronteers of this Province in the City and County of Albany and all and every article rule clause pains and penaltyes menconed in the aforesaid act for and concerning the summoning assessing collecting and Paying or refuseing and neglecting the Execucon of the respective duty's required therein shall be abide and remain in full force and effect to all intents & purposes and in as full and ample Manner for the due Execucon of this act untill the abovesaid Summe of Eight hundred Pound's be duely fully & compleatly assessed collected and Payd as abovesaid directed as fully and in like manner as if the same were particularly and at large recited and Set down' in the body of this act, any thing contained therein to the contrary hereof in any wise notwithstanding and the Mayor and Aldermen of the City of New York and all and every the Justices, assessors and collectors of the respective Cityes and County's aforesaid and all other concerned herein are to take notice hereof accordingly.

[CHAPTER 44.]

[Chapter 44, of Livingston & Smith and Van Schaack, where the title only is printed, as having been passed July 3, 1695. Printed in full in Brinley's Bradford, p. 104. Title only is printed in Baskett, p. 26, as having been passed in October, 1696. From the Minutes of the Council, it appears that the act was passed July 3, 1695. (See Journal of Legislative Council, p. 79.) For a later act on this subject, see chapter 88.]

An Act for the Encourageing of Seamen.

[Passed, July 3, 1695.]

Bee it Enacted by the Governour and Councill and Representatives convened in Generall Assembly that whatsoever Tavern

Keeper Ale-house keeper or victualler within the City and County of New York that shall Trust or credit any Seamen belonging to any Ship or Vessell That is in or shall hereafter come into the Rhoad or Harbour' of the said City for any Sume of mony above the sume of Six shillings currant mony of this Province shall loose the same and no writ or Process shall go' out against any Seamen as aforesaid at the Suite of any Tavern keeper Ale house keeper or Victualler within the said City and County for any greater Summe Than Six Shillings as aforesaid, And if any Tavern keeper Ale house keeper or victualler within the said City shall Trust or give Credit to any Seamen that is out of Service for any greater Summe Than twelve pence P diem so Long as he shall be out of Service shall likewise Loose the same and no writt or Process shall go' out against any Seamen at the Suite of any Tavern Keeper Ale house keeper or Victualler within the said City & County for any greater summe then the said Proporcon of Twelve pence per diem dureing the time as he shall be out of Service as aforesaid and if any Clerke of the Court's of Record within the said City and County Shall Issue any writt's against any Seamen Circumstanced as aforesaid contrary to the true Intent and meaning of this act shall for his Offence forfeit the sume of ffive pounds currant money of this Province to be Recovered before the Mayor or Recorder or any Two of his Majesties Justices of the Peace of the said City and County the one half to the use of the Poor of the said City and the other half to the Informer or him who shall sue for the Same without fuhther appeale and all Masters of Vessels Tradeing to & from the said City Shall within forty eight houres after his or their arrivall bring unto the Towne Clerk of the Said City a List of the Names of all such Seamen as he did Import or belong to his & their Vessells and the same cause to be Registered in the office of the said Towne Clerke who shall take no greater Reward for the same then one shilling currant mony aforesaid Provided that this act shall not continue in force Longer then Two years after the Publicacon hereof.

[CHAPTER 45.]

[Chapter 45, of Livingston & Smith and Vas Schaack, where the title only is printed. Printed in full in Brinley's Bradford, p. 102. This act continues chapter 25, and is continued by ch. 77.]

An Act for the continueing the Act for Encourageing the Post Office Three years Longer after the Expiration of the Said Act.

[Passed, July 3, 1695.]

Whereas The act for Encourageing the Post Office doth Expire In the month' of Aprill next by its own Limitacon and it being

found very Advantageous to the Inhabitants of this Pvince by the Preserving of trade & maintaining a mutuall Correspondence amongst our Neighbouring Collony's and Plantacons Bee it Therefore Enacted by the Governor and Councill & Representatives convened in Generall Assembly and by the Authority of the same That the act Entituled an act for encourageing the Post Office be continued three years Longer after the Expiracon of the time Limitted in the Said act, and all the rates and Summs of mony established by virtue of the said act upon Letters & Pacquet's that shall be received and dispatched by the Office and Offices contained in the said act shall be payd for the space of three years next and after the Expiracon of the term' Limited in the Said Act according to such rules and directions and under such Penalty's and forfeitures as is conteyned and Injoyned by the said act and the aforesaid Act Entituled an Act Encouraging the Post Office and every Article rule & clause therein menconed Shall be, abide remaine and continue in full force and effect to all Intents and Purposes dureing the said terme of Three years next and after the expiracon of the terme Limited in the said Act & no Longer as fully and in like manner as if the same were Perticulerly & at large recited & Set down in the body of this Act any thing contained therein to the contrary hereof in any wayes notwithstanding.

[CHAPTER 46.]

[Chapter 46, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Brinley's Bradford, p. 103. Title only is printed in Baskett, p. 25.]

An Act to enable the Citty and County of Albany to defray their Necessary Charge

[Passed, July 3, 1695.]

Forasmuch as the Inhabitants of the City and County of Albany have been during the time of their late Disorders very much agrieved wasted destroyed and Impoverished by The Incursions of the French his Majesties declared Enemies and that it is absolutely necessary that some suitable and Convenient way should be found out for their Reliefe and more easie defraying of the necessary Charges of that Citty and County Bee it therefore Enacted by the Governour and Councill and Representatives convened in Generall assembly And it is hereby Enacted by the Authority of the same that the Imposition or rate of two p Cent shall be raised and Levyd upon all Indian Goods that are brought up to that Citty and County of Albany and there sold and Consumed and alsoe that the Impost of Three pence be raised and levyd upon each gallon of Rumm that is Sold and consumed within

the said Citty and County and for the due and orderly Collecting of the Sd Respective Impost' and Rates the Treasuerer of the sd Citty for the time being or any appointed by him and the Mayor of the said Citty under the Publick seale of the Said Citty are hereby impowered and authorized to appoint constitute and Establish a Collector or Receiver of the rates and Imposts aforesaid who shall have Power to Receive the same and to enter in a fair book kept for ye Purpose all such sume and sums of money as shall be so Entered and received for the respective Duties aforesaid the said Collector or receiver appointing certain Convenient times & places for the keeping of the Office as shall be Directed by the Court of Mayor and Alderman and Assistants of the Said City and all Persons that Trade and bring up to the Said City and County the aforemenconed Indian goods and Rum are hereby required to make a report of the quantity and value of such Goods and rum they so bring up and sell in the said Citty and County aforesaid and pay the duties and Imposts hereby Established without being at any further Charge than the Said duty and in default hereof it shall be lawfull for the Mayor trasurer or any other officer hereby authorized To issue out his or their Warrants, under his or their hand and Seale for the Seizing of all such Goods and Rumm as shall be Imbezeled and not pay the Duties aforesaid, one third to the Informer one third to the said City and County of Albany and one third to his Excellency the Governour or Commander in Cheif for the time being Provided that all the Sume and sumes of mony that are hereby received shall be only appropriated & applyed to the defraying of the necessary charges of the Citty and County aforesaid and that the Treasurer, Collector or Receiver, for the time being shall not pay any of the Mony received as aforesaid but by Warrant from the Mayor of the said Citty and approved by the Justices of the Peace of the said County provided that this act shall only remain in force for the space of Two Years & no Longer any thing contained herein to the Contrary in any ways notwithstanding.

[CHAPTER 47.]

[Chapter 47, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Brinley's Bradford, p. 101. Title only is printed in Baskett, p. 125.]

AN ACT to Enable the City of New York To Relieve the Poor and defray their necessary and Publick charge.

[Passed, July 3, 1695.]

Whereas the Publick building's belonging to the City of New York are much out of repair, the Poor in great distress the high-

ways streets and Lanes so 'Mirey and foul that they are Noysome to the Inhabitants of the said City as well as of his Majesties Liege Subjects resideing and travelling to and from the same and that chiefly for want of haveing a sume annually raised for the defraying the Publick and necessary charge of the said City to the end therefore that the Said City of New York may be the better enabled to erect or repair their Publick buildings, Relieve the Poor, amend their Highways, Pave their Streets and Lanes, and defray the other contingent Publick charge of the said City Bee it therefore Enacted by the Governour and Councill and Representatives conveyned in Generall Assembly and by the Authority of the Same That the Mayor Recorder Aldermen and assistants of the said City for the time being, or the Major Part of them whereof the Mayor or Recorder of the Said City to be one Shall yearly in the week before the feast day of St. Michael the Archangell or within one month after the said ffeast day of St. Michael elect and appoint five good and Sufficient Citizen's Inhabiting within the said City who shall be called overseers of the Poor and Publick works and buildings of the said City &c and they or the greater part of them by and with the consent of the Mayor or Recorder Aldermen and assistants of the said City are hereby authorized, Impowered and Enabled annually and once every year at the time aforesaid to Raise a reasonable Tax upon all and every the Inhabitants, freeholders and Sojourners within the said City toward's the defraying the Publick and necessary charges of the said City and the necessary reliefe of the Same Impotent, old blind and such others, being Poor and not able to work &c. And for the better raiseing and Levying the Tax aforesaid to defray the Publick and necessary charges and the Reliefe of the Poor aforesaid Bee it further Enacted by the Authority aforesaid that the Mayor or Recorder Aldermen and Assistants of the said City with the Overseers Soe to be Nominated as aforesaid or any Three of them shall meet together at the Least once In every three month's at the City hall of the Said City and there to consider how much the Publick and Necessary charge and the reliefe of the Poor' of the said City Shall amount to for one year' and the estimate thereof they shall cause to be particularly Expressed in writeing (that is to say) The Particular Summe or Summes that they shall think needfull for the erecting or Repairing of their Publick buildings and the Perticular Sume as they shall esteem necessary for the Reliefe of the Poor' as aforesaid. And also the Perticuler Sume that they shall judge fit for the repairing the highway's, Paveing and cleansing the Streets Lanes and Alley's of the said Citty and the defraying the other contingent charges

of the same which Sume so Perticularized & estimated as aforesaid shall be by the assessors of the said City equally and proportionally assessed upon the reall and Personall Estates of all and every the Inhabitants freeholders and Sojourners within the said City within Twenty days at least after that they shall Receive Such Estimate made as aforesaid under the hands and Seales of the Mayor or Recorder or any one or more of the Aldermen and Overseers nominated as aforesaid which Tax rate or Assessment shall be proportionably assessed or Set upon the Reall and Personall Estates of all and every the Inhabitants freeholders and Sojourners within the said City for one year' for the purposes aforesd being allow'd and confirmed by the Mayor or Recorder or any two or more of the Aldermen of the said City shall be collected by the respective Collectors of the said City and quarterly payd by every respective Inhabitant freeholder or Sojourner within the same City upon demand made thereof by the respective Collectors aforesaid appointed to gather and collect the same and in case of refusall or neglect shall by warrant ofthe Mayor or Recorder and any one or more of the Aldermen of the said City under their hands and seals be levy'd by distress and Sale of the offenders goods all which Summe or Sumes of mony Levy'd collected and payd as aforesaid shall be by the respective Collectors aforesaid paid unto the Treasurer of the said City Quarterly and there shall remain untill the same be ordered for the purposes aforesaid by order of the common Councill of the said City and by warrant under the hand and Seale of the Mayor. And be it further Enacted by the authority aforesaid that the Mayor Alderman and assisstants aforesaid shall appoint A scavenger Raker or other officer to be Imployed in cleansing the streets, Lanes, Alley's and other places aforesaid within the said City and at Least once in every week shall carry or cause to be carryed the Ashes, dirte filth and Soyle of the said Street's, Laynes, Alley's and other places unto such Place or Places where he shall think convenient. Provided that it shall not be Noisome or hurtfull to any of the Inhabitants of the said City, which Scavenger Raker or other Officer to be Imployed as aforesaid shall have such yearly sallary or wages as the Mayor or Recorder Aldermen and assistants aforesaid shall in their discretion think needfull to be Paid out of the mon'y assessed and Payd as aforesaid by warrant upon the Treasurer of the said City as aforesaid. And be it further Enacted That if the Mayor or Recorder Aldermen and Assistants aforesaid shall refuse delay or neglect to Nominate and appoint overseers yearly as is before appointed that then each of them for such default shall Loose and forfeit for every such default

ffive pound's to be Imployed for the reliefe of the Poor, of the said City to be Levyed by distress on their good's by warrant from the Generall Sessions of the Peace of the said City. And if any Overseer assessor or Collector shall refuse neglect or delay to Serve and Execute the respective duty's before menconed and required shall for each default that shall happen loose and forfeit the summe of ffive pound's to be Levy'd by distress & Imployed as aforesaid by warrant under the hand and seale of the Mayor or Recorder or any two of the Aldermen of the said City Provided that nothing herein contained shall continue or Remain Longer in force then for the space and term' of two years next after the Publicacon hereof.

[CHAPTER 48.]

[Chapter 48, of Livingston & Smith, where the title only is printed. The act does not appear, by title, or otherwise, in Van Schaack, Baskett, or any edition of Bradford. Livingston & Smith state that the act was passed July 3, 1695. From the Minutes of the Council, of that date, it appears, that the act passed the Council with amendments. (see Journals of Legislative Council, p. 80), but from the Journals of the Assembly, of July 3, 1695, it appears that the Assembly did not concur in the amendments. (See Journals of the Assembly, p. 58.) From the Minutes of the Council of July 4, 1695, the day of adjournment, (see Journals of Legislative Council, p. 80), it appears that the Governor did acquaint the Assembly that he had enacted five bills which came over from the house. "As for the bill to prevent desertion, since they would not concur to the amendments, it is no matter of moment, whether it passed or not."]

An Act to prevent the Desertion of Soldiers, in Pay within this Province.

[Passed, July 3, 1695.]

THE FIFTH ASSEMBLY.

Second Session.

(Begun Oct. 1, 1695, 7 Wm. III., Benjamin Fletcher, Governor.)

[CHAPTER 49.]

[Chapter 49, of Livingston & Smith, where the title only is printed. Printed in full in Brinley's Bradford, p. 113. Title only printed in Baskett, p. 26. Revived by chapter 75. Livingston & Smith and Van Schaack state that this act was passed October 16th. From the Minutes of the Council, however, it appears to have been enacted October 22, 1695. (See Journals of Council, p. 84.)]

AN Act for Regulating the Retaining Attorneys at Law.

[Passed, October 22, 1695.]

Whereas the Number of Attorneys at Law that practice at the Barr in this Province are but few and that many persons Retain most of them on one side to the great prejudice and discourage-

ment of others that have or may have suits at Law to the end therefore that Justice may be Equally administred and no Room Left for Complaint be it Enacted by the Governour and Councill and Representatives Convened in Generall Assembly and by the Authority of the same that from and after the publication hereof that no person or persons That shall have any suit at Law in any of the Courts of Record Within this Province shall Retain more then two Attorneys at Law for the prosecution or management of any such Suit or process at Law that they shall have and if they Retain any more it shall be Lawful for the Justices of the bench where the Suit is Depending to order all such Attorneys as shall be Retained more than two as aforesaid to plead for the other side Without Returning the fee Received any thing Contained in this or any other Act To the Contrary hereof in any wise Notwithstanding, provided That this Act Nor any thing Contained therein shall Continue in force any Longer then two years After the publication hereof.

[CHAPTER 50.]

[Chapter 50, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Brinley's Bradford, p. 110. Title only is printed in Baskett, p. 26. Livingston & Smith and Van Schaack, state that this act was passed October 17th. From the Minutes of the Council, however, it appears to have been enacted October 22, 1695. (See Journals of Legislative Council, p. 84.)]

An Act for the Raising One Thousand Pounds to be imployed by an Agent for the Representation of the State of the Province.

[Passed, October 22, 1695.]

Be it Enacted by the Governour and Councill and Representatives Convened in General Assembly and by the Authority of the same That the sum of One thousand pounds Currant Money of this Province be Laid Assessed Raised and Levied upon all and Every of the Inhabitants Residents Sojourners and ffreeholders of and in this Province To be imployed by William Nicolls Esqr one of his Matyes Councel for This Province Elected and Appointed Agent by the Representatives of The same for Representation of the state of this Province and how far The Security of the ffronteers at Albany hath been a barrier and Place of Defence for the Preservation of all his Majesties Adjacent Collonies And Withal to Represent unto his Matyes the heavy burden that hath Lain upon the Inhabitants of this Province since

the Beginning of this Warr and most humbly to Address and supplicate his most Excellent Majesties That he Would be most Graciously pleased to Ease and free his most Dutyfull and Loyal subjects Inhabiting within this Province from the like Grievous and heavy burdens for the Future according to such Wayes and means as his most Excellent Matye in his Great Wisdom and Prudence shall Think meet To be Laid Assessed Raised Levied and paid unto his Majesties Collector and Receiver General for the time being at his Matyes Custome house in the City of New Yorke at or before The 25 day of March next Ensuing the publication hereof According to the severall and Respective Quotas and proportions hereafter following That is to say for the City and County of New Yorke 289L:1s being their Quota and proportion of the sum of One Thousand Pounds Currant Money aforesaid for the County of West Chester 51 L 14 being their Quota and Proportion as aforesaid for the County of Richmond 23L:10: being their Quota and Proportion as aforesaid for Kings County 164 L:10: being their Quota and Proportion as aforesaid for Queens County 148 L:9 being their Quota and Proportion as aforesaid for the County of Suffolk 169 L: 4: Being their Quota and Proportion as aforesaid for Ulster and Dutches County 84 L:12: being their Quota and Proportion as aforesaid for the County of Orange 9 L: 8: being their Quota and Proportion as aforesaid. And for the City and County of Albany 60 L: being their Quota and Proportion as aforesaid. And for the better Assessing Raising Levying and paying the aforesaid sum of One Thousand pounds Currant Money aforesaid be it further Enacted by the Authority aforesaid That the Mayor and Aldermen of the City and County of New Yorke the Mayor and Aldermen of the City and County of Albany The Justices of the Peace the Assessors and Collectors for the time being of all and Every Respective Citys Countyes Towns Mannors Liberties or Jurisdistions Within This Province are hereby Required and Impowered and Authorized to summons Assess Collect and pay the severall Summs of Money herein before mentioned according to the Proportions before Expressed in such Ways and Means and According to such Manner rule and direction and under such pains and penalties as are Contained Enjoyned Prescribed and directed in an Act of Generall Assembly passed in the Sixth year of his Majesties Reign Entituled an Act for Raising and paying One hundred and Seventy men for securing the fronteers of this Province in the City and County of Albany and all and Every Article Rule Clause pains and penalties mentioned in the aforesaid act for and Concerning the summoning Assessing

Collecting and paying or Refusing and Neglecting the Execution of the Respective Duties required Therein shall be, abide and Remaine in full force and Effect to all Intents and Purposes and in as full and Ample Manner for the due Execution of this Act untill the abovesaid sum of One thousand pounds be duly fully and Compleatly assessed collected and paid as above said directed as fully and in Like Manner as if the same were particularly and at Large Recited and set down in the body of this act any thing Contained herein to the Contrary hereof in any Wise Notwithstanding and the Mayor and Aldermen of the City of New Yorke The Mayor and Aldermen of the City of Albany and all and Every The Justices Assessors and Collectors of the Respective Cities and Counties aforesaid and all others Concerned herein are to take notice hereof Accordingly.

[CHAPTER 51.]

[Chapter 51, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Brinley's Bradford, p. 107. Title only is printed in Baskett, p. 25.]

An act for raising the sume of Eight hundred Sixty four pounds and fifteen shillings for the paying and maintaining a Company of fuzileers imployed on the fronteers and at present under the Command of major Schuyler from the first of August Last Till the first of march Next following.

[Passed, October 22, 1695.]

Be it Enacted by the Governour and Council and Representatives Convened in General Assembly and by the Authority of the same that The sume of Eight hundred sixty four pounds and fifteen shillings Currant money of this province be Laid assessed raised and levied upon all and every of the inhabitants Residenters sojourners and freeholders of and in this province for the paying and maintaining the Officers and souldiers imployed on the fronteers and at present under the Command of major Schuyler Now in service for the security of the fronteers at albany from the first day of August Now last past until the first day of march next Ensuing the publication hereof according to the Establishment hereunto annexed to be Laid Assessed levied and paid unto his majesties Collector and receiver Generall for the time being at his Majestyes Custom house in the City of New Yorke at or before the 25 day of march next ensuing the publication hereof according to the several and Respective quotas and pro-

portions hereafter following That is to say for the City and County of New Yorke the sum of 265£:17: being their Quota and Proportion of the Eight hundred sixty four pounds fifteen shillings aforesaid for ye County of Westchester the sum of 47£ :11 :6: being their Quota and proportion as aforesaid for the County of Richmond the sum of 21£ 12: 9: being their Quota and proportion as aforesaid for Kings County the sum of 151£: 7: being their Quota and proportion as aforesaid, for Queens County 136£: 4 : being their Quota and proportion as aforesaid for Suffolk County the sum of 155£ : 13 : 3 being their Quota and proportion as aforesaid for Ulster and Dutchess County the sum of 77£ : 16: 7: being their Quota and proportion as aforesaid for Orange County the sum of 8£: 12: 11: being their Quota and proportion as aforesaid And be it further Enacted by the Authority aforesaid that for the better assessing Raising and paying the aforesaid sume of 864£ 15: Currant money aforesaid the mayor and aldermen of the City of New Yorke the Justices of the peace the assessors and Collectors for the Time being of all and every respective Cities Counties Towns mannors Liberties or Jurisdictions within this province are hereby Required impowered and authorized to Summons assess Collect and pay the severall sums of money hereinbefore mentioned According to the proportions before Expessed in such wayes and means And according to such manner Rule and direction and under such pains and penalties as are Contained enjoyed and directed in an Act of General assembly passed in the sixth year of his majesties Reigne Entituled An act for the Raising and paying one hundred and seventy men for the securing the fronteers of this province in the City and County of albany and all and every article Rule Clause pains and penalties mentioned in the aforesaid act for and Concerning the summoning assessing Collecting and paying or Refusing and Neglecting the Execution of the respective duties required therein shall be, abide and remaine in full force and Effect to all intents and purposes and in as full and ample Manner for the due Execution of this act untill the above said sume of Eight hundred sixty and four pounds fifteen shillings be duely, fully and Compleatly assessed Collected and paid as abovesaid directed as, fully and in the like manner as if the same were particularly and att large Recited and Set down in the body of this act anything Contained therein to the Contrary hereof in any wise notwithstanding and the mayor and aldermen of the City of New Yorke and all and every the Justices Assessors and Collectors of the respective Cities and Counties

aforesaid and all others Concerned herein are to take notice hereof accordingly.

An establishment for the pay of a Company of fuzileers imployed on the fronteers at present under the Command of Major Schuyler for the security of the fronteers of this province in Albany from the first day of August Last untill the first day of March next following, viz. :

the Captaine 212 days at 8s per diem.....	84	16	00
one Lieutenant at 4s per diem.....	42	08	00
one ditto at 3s per diem.....	31	16	00
4 sergeants at 1s 6d each per diem.....	63	12	00
fifty private Centinals at 12d each per diem....	530	00	00
One Town Major at 4s per diem.....	42	08	00
one Chyrurgeon at 2s 6d.....	26	10	00
for incidentalls	27	08	00
One Muster Master from the first of August to the 10th of October at 2s 6d per diem.....	8	15	00
for ditto from the 10 of October to the first of March is 142 days at 1s.....	07	02	00
	864£	15d	00

[CHAPTER 52.]

[Chapter 52, of Livingston & Smith and Van Schaack, where the act is printed in full. Printed in full in Brinley's Bradford, p. 112; Baskett, p. 24. Confirmed by the King, May 11, 1697. (See Fowler's Bradford, p. CXXXVI.)]

An Act against profanation of the Lords Day, called sunday

[Passed, October 22, 1695.]

WHEREAS the true and sincere service and Worship of God According to his holy Will and Commandements, is often Prophaned and neglected by many of the Inhabitants and sojourners Within this province who do not keep holy the Lords day but in a disorderly manner accustom themselves to travel Labouring working shooting fishing Sporting playing horse racing frequenting of Tipling houses and the using many other unlawful Exercises and pastimes upon the Lords day to the Great scandal of the holy Christian Faith be it therefore Enacted by the Governour and Councel and Representatives Convened in General Assembly and by the Authority of the Same that from and After forty days next after the publication hereof there shall be no travelling servile Labouring and working

shooting fishing sporting playing horse Racing hunting or frequenting of Tipling houses or the using of any other unlawful exercises or pastimes by any of the Inhabitants or sojourners within this province or by any of their slaves or servants on the Lord day and that every person or persons offending In the premises shall forfeit for every offence the sum of six shillings Current money of this province The same to be imployed and Collected to the use of the poor of the place where such Offence shall be Committed and that any one Justice of the peace within the several Respective Citys and Countys within this province where such Offence shall be Committed upon his or their view Confession of the party or proof of Any one or more witnesses by Oath which the said Justice by virtue of This Act, is authorized to administer shall find any person or persons offending In the Premises the said Justice shall give Warrant under his hand and seal to the Constables of the respective places where such offence is Committed to levy the said penalty so to be assessed by way of distress and sale of the Offenders Goods Rendring to the said Offender the overplus of the said money raised of the Goods so to be sold If any be, and in default of such distress that the party offending to be set publickly in the stocks by the space of three hours but if the offender of the premisses be either an indian or Negro slave or servant shall for Each such Offence whereof he or they shall be convicted of as aforesaid forfeit the sum of six shillings Currant money as aforesaid but in Default of not paying then the indian Negro slaves and servant offending in the premises shall receive thirteen Lashes upon the Naked Back for each Offence Committed by such Indian or Negro slave and servant as aforesaid and that if any person or Persons be sued for the Execution of this Law, he shall and may plead the Generall Issue and give the said matter of Justification in Evidence Provided that no person Be sued or questioned by this Act Except he be Called in question within one moneth next after the said offence be Committed and provided also that it shall be Lawfull for any person to travel upon the Lords day or to do any Act of Necessity and to go to the service and worship of God in any Church Or Lawful meeting within this province and from thence to Return provided such Journey shall not Exceed the Number of twenty miles and also provided that it shall be Lawfull for the post or any other person imployed in his majesties service or for any person imployed to bring a Physitian or a Midwife to travel upon the Lords day any thing contained herein to the Contrary in any ways notwithstanding provided that this Law shall no ways extend to any Native or free indian within this province not professing the Christian Religion.

[CHAPTER 53.]

[Chapter 53, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Brinley's Bradford, p. 109. Title only is printed in Baskett, p. 25.]

An act for the raising the sum of seven hundred pounds to Enable his Excellency to keep the men that are now in the Companys appointed by his Matye and to encourage others to List themselves in the same.

[Passed, October 24, 1695.]

Be it enacted by the Governor and Council and the Representatives Convened in General Assembly and by the Authority of the same that a supply of seven hundred pounds Currant Money of this province be Laid assessed raised and Levied upon all and Every the inhabitants residenters sojourners and freeholders of and in this province five hundred pounds whereof to be imployed by his Excellency for the supplying the Companies appointed by his Mayte with sundery necessaries and the other Two hundred pounds thereof to be imployed by his Excellency for Listing of men to keep the said Companys full and to free the Inhabitants of this province from detachments until the first day of May Next ensuing the publication hereof except in case of invation or Rebellion to be Laid assessed raised Levied and paid unto his Matyes Collector and Receiver Generall for the time being at his Majesties Custome house in the City of New Yorke at or before the 27th day of March next ensuing the publication hereof according to the severall and Respective Quotas and proportions hereafter following That is to say, for the City and County of New Yorke the sum of 215£: 5s being their Quota and proportion of seven hundred pounds Currant money as aforesaid for the County of Westchester the sum of 38£ 10: being their Quota and proportion as aforesaid for the County of Richmond the sum of 17£:10: being their Quota and proportion as aforesaid for Kings County the sum of 122£:10: being their Quota and proportion as aforesaid for Queens County the sum of 110£: 5: being their Quota and Proportion as aforesaid for the County of Suffolk the sum of 126£: being their Quota and proportion as aforesaid for Ulster and Dutches County the sum of 63£; being their Quota and proportion as aforesaid for, the County of Orange the sum of 7£: being their Quota and proportion as aforesaid and for the Better assessing raising Levying and paying the aforesaid sum of seven hundred pounds Currant Money aforesaid Bee it further enacted by the authority aforesaid That the Mayor and Aldermen of the City of New Yorke The Justices of the peace The Assessors and Collectors for the time being of all and

Every Respective Cities Countys Towns Mannors Liberties or Jurisdictions within this province are hereby required impowered and Authorized to summons assess Collect and pay the severall sums of Money hereinbefore mentioned according to the proportions before expressed in such Ways and means and According to such Manner rule and Direction and under such pains and penalties as are Contained enjoined prescribed & directed in an Act of Generall Assembly Passed in the sixth year of his Matyes Reigne Entituled an Act for the Raising and Paying one hundred And seventy men for the securing the fronters of this Province in the City and County of Albany and all and Every article, Rule, Clause pains and Penalties mentioned in the aforesaid act for and concerning The summoning Assessing Collecting and Paying or Refusing and Neglecting the Execution of their respective duties therein Required shall be abide and remain in full force and effect to all Intents and Purposes and in as full and ample Manner for the due Execution of this Act until the above said sum of seven hundred pounds be duly fully and Compleatly Assessed Collected and paid as abovesaid Directed as fully and in Like Manner as if the same were Particularly and at large Recited and set Down in the Body of this Act any thing therein to the Contrary hereof in any Wise Notwithstanding and the Mayor and Aldermen of the City of New York and all and Every the Justices Assessors and Collectors of The Respective Cities and Counties aforesaid and all others herein Concerned Are to take Notice hereof Accordingly.

[CHAPTER 54.]

[Chapter 54, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Brinley's Bradford, p. 111. Title only is printed in Baskett, p. 26. This act continues chapter 28, and is continued by chapter 62.]

An Act for Confirming & Continuing an Act of Generall Assembly Entituled An Act for the Establishing Courts of Judicature for the ease and benefit of Each Respective City Town and County Within this Province.

[Passed, October 24, 1695.]

Whereas the Act for settling of Courts of Judicature Within this province is Expired by its own Limitation and it being Needful to Confirm the same for the preventing the delay of Justice be it Enacted by the Governour and Councel and Representatives Convened in Generall Assembly and by the authority of the same that an Act made in the fifth year of his Majesties Raign Entituled An Act for the Establishing Courts of Judicature for the ease and benefit of Each

Respective City Town and County Within the Province and all and Every Article Rule and Clause therein mentioned shall be abide continue and remain in full force and Effect To all intents and purposes Whatsoever as Well for the keeping and houlding the severall and Respective Courts of Judicature therein mentioned at The several and Respective Towns also therein Expressed but also for the hearing and determining of all Actions and Causes of Actions of what Nature soever therein Like wise mentioned and according to the Rules methods and Limitations therein Directed as fully and in Like manner as if the same were particularly and at Large Recited and set down in the body of this Act any thing Contained therein or in any other Act to the Contrary hereof in any wise Notwithstanding Provided alwayes and it is hereby Enacted that the severall and Respective Courts of Pleas held in each of the Respective Cities and Counties Within this Province Shall have hereby power Authority and Jurisdiction to hear and determine any matter or thing Relating or Concerning Titles of Land Within their Respective Counties any thing Contained herein or in any other Law to the Contrary hereof Notwithstanding and provided alwayes and it is the true Intent and meaning of this act That any person or persons that shall be any wayes Interested or Concerned in any process Wherein the Title of Land is Concerned in the said Courts shall have Liberty to Remove the same by habeas Corpus, Certiorari, or any other Lawfull writt and after judgement he or they have the Liberty to Appeal to the Supreme Court of Judicature from any Sentence, Judgment and decree That shall be Given thereon, alwayes provided that this Act nor any Article, Rule or Clause therein shall Continue nor be in force Longer then two years from and after the publication thereof.

THE FIFTH ASSEMBLY.

Third Session.

(Begun Mch. 26, 1696, 8 Wm. III, Benjamin Fletcher, Governor.)

[CHAPTER 55.]

[Chapter 55, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Brinley's Bradford, p. 118. Title only is printed in Baskett, p. 26.]

An Act for the Better Enabling the Executors of Thomas Loyd Esqr decd for Selling of Lands for the payment of debts & porcons Settled by the said Thomas Lloyd and Patience his wife upon her Children by her former husband Robert Story Decd.

[Passed, April 16, 1696.]

Whereas there are severall pieces or parcells of Ground with the houses and Appurtenances Belonging Scituate Without the

North Gate of the Citty of New York with an Island called Dyers and Oyster Island wch William Dyer Late of New York aforesaid and Mary his wife Both since deceased by their Indenture of Bargaine and sale dated the three and Twentieth day of Aprill 1686 made between them the said William and Mary of the one pt and Thomas Lloyd then of New Yorke Aforesaid of the other pt for the Consideration therein menconed Did grante bargaine and sell unto the said Thomas Loyd To hold to him his heires and Assignes for Ever to the intent that the said Thomas Loyd and his heires should from hence forth stand and Bee seised of the primisses the use of him the said Thomas Loyd and Patience his then wife dureing their joint naturall Lives and after the decease of Either of them to the use of the Longest liver of them their heires and assignes for Ever as by the said Indenture Recorded in the Secryes Office at New Yorke relation being thereunto had may more at Large appeare And whereas the said Thomas Lloyd and Patience his said wife by their Deed Poll: dated the Thirtieth day of Aprill 1686 importing a further Declaration of the uses of the said recited Indentures of Bargaine and sale to be that the said severall pieces or parcells of ground Island houses and all other the said primisses should be and remain ingaged as security for the payment of three hundred pounds to Enoch Story as pt of the Legacey porcon given by the Last Will and Testament of Robert Story his Last father decd and the Like summe of three hundred pounds to Mary Story as Pt of her Legacey portion given her by her said decd father Robert Story and further, they the said Thomas Loyd and Patience his wife did thereby declare their further Intent to be that after the decease of the Longest Liver of them the said Thomas and Patience the said severall parcells of Land Island and all other the primisses with their appurtenances the said six hundred pounds being first paid to the said Enoch and Marry should deseend and Come to the Youngest Children of him the said Thomas Lloyd that is to say to his daughter Elizabeth and Margarett and to their heires and assignes for Ever as by the said Deed poll: recorded in the said Office at New Yorke may more fully appear and Whereas the said Thomas Lloyd afterwards (to-witt) in the years 1692 out of a Generous disposicon and good designe to Encourage and promote the improvement of the said Citty as well by paying of the debts due by Robert Story decd his predecessor as to answer his own private utility and Occasions did obtaine the Leave and concurrence of the then Mayor and Principall men of the towne for the laying out of the said severall parcells of ground into Lots and streets

Suitable to Accomodate the same and thereupon he the said Thomas Loyd and Patience his said wife not knowing but that their Sales of the primisses might Create the Purchasors a sufficient and absolute title did bargaine and sell some pt of the said ground With the appurtenances in order to discharge the said six hundred pounds and other debts due from the Estate of the said Robert Story deceased and Whereas the said Thomas Loyd by his Last Will and Testament dated the tenth day of September 1694 did impower his Executors or any two of them to sell dispose and Convey all his Estate right title and Interest of in or to all or any pt of his Lands and herditaments in New Yorke or elsewhere and made his said wife Patience Loyd his Son Mordecey Loyd with Isaac Norris and David Loyd his Executors and shortly after dyed after whose decease the said David Loyd and Isaac Norris tooke upon them the burthen of the said Estate Executorshipp and with Consent of the Over Seers of the said Robert Story Last will did pay unto the said Patience Loyd the said three hundred pounds so as aforesaid Secured to the said Enoch and also did pay the said three hundred pounds So secured to the said Marrey unto her husband John Godfrey since their intermarrage in full performance of the Condicon or provicon contained in the said Deed poll Whereby the said primisses were pledged and bound for the payment of the said six hundred pounds as aforesaid and Whereas also that altho the said Elizabeth the surviving daughter of the said Thomas Loyd is arrived to the age of nineteen yeares and doth Signifye her readinesse and assent to joyne with the said Executors in any act or acts that may preclude and debarr her and her heires from the said remainder or any other right Interest Remainder or Revercon of in or the said severall parcells of Ground and other the primissess or any pt thereof yet Nevertheless her nonage according to the strict rules of Law renders her uncapable to Execute any Conveyance for the releasing of her said right or Interest by reason whereof the said Excts are retarded in the Administracon of the said Estate and in the paying the debts due By the said Robert Story and Thomas Loyd decd for want of having the said Estate Improved to the greatest advantage by Sale and the said purchasors apprehending themselves Likewise insecure Therefore for the further Security of the purchasers aforesaid and Better Enabling of the said Executors to Sell Convey and assure (what remains unsold of the said Ground and primisses and that the same When Sold may be converted According to the true intent and meaning of this Act for the payment of the Debts of Robert

Story and Thomas Loyd and to no other use and intent Whatsoever and after their said debts are Well and truely paid the Residue or remainder if any there shall bee to be Equally divided two thirds thereof unto the said Elizabeth Loyd and the other third pt unto the said patience her Exrs administs and Assignes for ever according to certaine Articles of Agreement made and concluded betweene the said Excutors and Patience Beareing date the 28th day of march relation being thereunto had may more fully and at Large appear may it please his Excellency Benjamin ffletcher Captaine Generall and Governour in Chiefe in and over the Pvince of New Yorke &c and Councill and Representatives of the Same in Generall Assembly at the humble petition and request of the said Patience Loyd David Loyd Isaac Norris John Godfrey and Elizabeth Loyd that it may be declared and Enacted and Bee it therefore Enacted by the Governour and Councill and Representatives convened in in Generall Assembly and by the authority of the Same that the Enrollment and record of the said Recited deed poll made by the said Thomas Loyd and Patience his Said wife in mannor aforesaid shall by the authority of this Generall Assembly Be made void and Cancelled and that the uses and remainders thereby raised Limited and declared or therein meant mentioned or intended to be raised Limited or declared Shall from hence forth Cease determine and be utterly void and of none Effect and to the end and intent that the said Executors may Be The Better Enabled to pay the said debts and Portions and distribute the remainder or residue of the said Estate if any there be in manner aforesaid bee it further Enacted by the authority aforesaid that they the said Exrs of the said Thomas Loyds Last Will and Testament aforesaid their heires Exrs or assignes may be Enabled And are hereby Enabled and Impowered by their Conveyance to be Executed in due forme of Law as well to confirme the said Sales So made by the said Thomas and Patience Loyd in his Life time as aforesaid to the purchasors above mentioned and to Every of them their heires and assignes for Ever as also to Sell convey and assure all and Every part of the Said Severall Peeces of Ground Island and all other the primisses wth their and every of their appurtenances remaining unsold by the said Tho' and Patience to hold to such person or persons as shall purchase the same in fee Simple or otherwise the said Recited Deed poll or any article Covenant Clause proviso or Condicon therein or in any other deed whatsoever Contained to the Contrary in any wise Notwithstanding.

[CHAPTER 56.]

[Chapter 56, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Brinley's Bradford, p. 121. Title only is printed in Baskett, p. 26.]

An Act for the Paying of one hundred and twenty Effective men to be Imployed by his Excellency for the reinforcing and Strengthening the fronteers of the Province at albany over and above the present Number of forces posted and imployed there for the Safety of this and neighbouring Provinces to Continue therefore one whole year from the first of may next to the first of may in the year 1697 and for the Raising the sume of two thousand five hundred Ninety three Pound six shilling and Eight pence to be distributed by his Excellency the Captaine Generall amongst the said men and the rest of the four Companies sent over by his Majesty.

[Passed, April 18, 1696.]

Whereas the forces Lately sent over by his most Excellent Majesty at the humble request and desire of his Excellency his Majestyes Captaine Generall for the ease and safety of this Province are since their arrivall much weakened by death desertion and sickness and the strength of the fronteers at albany thereby much Lessened to the grate Endangering of this and the adjacent Neighbouring Plantations that place haveing been since the war the only barrier and place of defence whereby the Said adjacent plantations have been preserved frome the violence and invasions of the Enemy and Whereas it is indispensibly necessary that the said fronteers should be reinforced and sufficiently strengthened for the future safeguard of our said Neighbouring adjacent plantations and the Like preservation of this province the Representatives convened in Generall Assembly taking the same Into their serious consideration by the speciall direction of his Excellencyes Speech made to them at the opening of this sessions of Generall Assembly as a matter of great weight and a Complyance thereunto as the best Return and the most acceptable service that his Majestys subjects in this province can make unto his most sacred Majesty who in the midst of his pressures and the great and bloody war his sacred person is engaged in hath gracciously condescended to remember the little

handfull of his people inhabiting in this his Majesties province do therefore with the deepest sense in most humble and most dutifull acknowledgement of his Majesties most gracious favour in sending supplyes of men Artillary and other stores of war for the ease and safety of his most Loyall subjects inhabiting within His Majesties said Province as well as in rendring an intire obedence unto his Majestyes royal Command communicate in Generall Assembly by his Excellency his Majesties Captaine Generalls speech as aforesaid humbly pray That it may be Enacted and be it therefore Enacted by his Excellency the Governour and Councill and representatives convened in Generall Assembly and by the authority of the same that a found of Twenty five hundred ninety three Pounds six shillings and eight pence Currant money of this province be Laid assessed raised and Levyed upon all and every the inhabitants residents Sojourners and freeholders of and in this province which together with the sum of two hundred pounds like currant Money raised formerly by Vertue of an act of Assembly entituled An Act for the raising the sume of Seven hundred pounds & makes in the whole the sume of two thousand seven hundred ninety and three pounds six shillings and eight pence to be imployed by his Excellency for the Reinforcing and strengthing the fronteers of this province at albany with one hundred and twenty effective men over and above The present Number of forces posted and imployed therefore the safety of this and Neighbouring provinces and to remain and continue there for the said service and to free the inhabitants of the province from Detachments except in case of inevitable Necessity for the space and during the term of one whole year to Commence on the first day of may next ensuing the publication hereof and to end and terminate upon the first day of May then next following which shall be in the year of our Lord 1697 which Number of men are to be Listed and formed in such ways and after such manner as his Excellency the Captaine Generall shall think fitt and the said sum of 2793£ 6s 8d to be imployed and distributed by his said Excellency the Captaine Generall amongst the said Number of 120 effective men to be posted and imployed for the reinforceing and strengthening the fronteers as aforesaid and the rest of the four Companies sent over by his Majesty for the ease and safety of this Province in such Manner and proportion as to his Excellency in his discretion shall be thought Convenient and needful To be Laid Assessed raised and paid unto his Majesties receiver Generall for the time being at the City of New Yorke In two equall payments the one moyety or equal half part of the said sum of 2593£ 6s 8d at or before the 29th day of September next and the other moyety or equal half part thereof at or before

the 25th day March then next following which shall be in the year of our Lord 1697 According the severall and Respective Quotas and proportions following That is to say for the Citty and County of New Yorke Seven hundred ninety Seven pounds nine shillings being their Quota & proportion of 2593£ 6s 8d for the uses aforesaid for the County of Westchester one hundred forty two pounds Twelve shillings and eight pence being their Quota and proportion as aforesaid for the uses aforesaid for the County of Richmond sixty four pounds sixteen shillings and Eight pence being their Quota & proportion as aforesaid for the uses aforesaid Kings County four hundred fifty five pounds two shillings and eight pence Being their Quota and proportion as aforesaid for the uses aforesaid Queens County four hundred and seven pounds three shillings being their Quota and proportion as aforesaid for the uses aforesaid Suffolk County four hundred sixty six pounds sixteen shillings being their Quota and proportion as aforesaid for the uses aforesaid Ulster and Dutches County two hundred thirty three pounds eight shillings being their Quota and proportion as aforesaid for the uses aforesaid and Orange County Twenty five pounds eighteen shillings and eight pence being their Quota and proportion as aforesaid for the uses aforesaid and for the assessing Levying and paying the aforesaid sum of 2593£ 6s 8d Currant money aforesaid be it further Enacted by the Authority aforesaid that the Mayor and Aldermen of the Citty of New Yorke the Justices of the peace the Assessors and Collectors for the time being of all and Every the respective Cities Counties towns Mannors Liberties and Jurisdictions Within this province are hereby required impowered and authorized to summons assess collect and pay the severall sums of money hereinbefore mentioned According to the Proportion before expressed in such ways and means and according to such manner rule and direction and under such pains and penalties as is Contained enjoyned prescribed and directed in An Act of Generall Assembly passed in the Sixth year of his Majesties Reign entituled An Act for the raising and paying one hundred and seventy men for the securing the fronteers of this province in the Citty and County of Albany and all and Every article rule Clause pains and penalties mentioned in the Aforesaid Act for or Concerning the sumoning assessing, collecting and paying or refusing and neglecting the Execution of their respective Duties therein required Shall be abide and remain in full force and effect to all intents and purposes in as full and ample manner for the due Execution of this Act untill the above said sum of 2593£ 6s 8d be duely fully and Compleately assessed Collected and paid as above directed in As full and in like manner as if the same were particularly and at Large recited and Set

down in the body of this Act any thing Contained therein to the Contrary hereof in any wayes notwithstanding and the Mayor and Aldermen of the Citty of New Yorke and all and Every the Justices Assessors and Collectors of the respective Cities and Counties aforesaid and all others herein Contained are to take Notice hereof accordingly.

[CHAPTER 57.]

[Chapter 57, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Brinley's Bradford, p. 123. Title only is printed in Baskett, p. 26.]

An act for the Confirming and Continuing an Act of Generall Assembly made in fourth Year of his Majesties Reigne entituled An Act for the satisfying and paying the debts of the Government Eighteen months Longer then the time therein mentioned for the paying the Debts therein Expressed.

[Passed, April 18, 1696.]

The Representatives Convened in General Assembly upon Examination of the Debts of the Government, do find it absolutely Necessary that the former Additional Duty Be Continued Eighteen Months Longer then the time limitted for the expiration thereof for the ends and purposes hereafter mentioned and to no other purpose whatsoever be it therefore Enacted by his Excellency the Governour and Councill and Representatives Convened in Generall assembly and by the authority of the same that an act of Generall Assembly made in the fourth year of his Majesties Reign entituled An Act for the Satisfying and paying the debts of the Government and since Continued by two Several Acts of Generall assembly for the purpose and ends therein mentioned untill the fourteenth day of November next shall be Continued and Confirmed from the Said 14th day of November next untill the end and term of Eighteen kalander months then next following that is to say from the said 14th day of November next untill the 14th day of May that shall Be in the year of our Lord 1698 and no Longer and it is further Enacted by the Authority aforesaid that the Additionall Rates and duties made payable upon Merchandizes and Liquors imported into this province by Virtue of the said Act shall be levied Collected and paid unto his Majesties Receiver Generall for the time being at his Majesties Custom house in the Citty of New Yorke for the term aforesaid and no Longer according to such Rules and directions and under such pains and forfeitures as is contained and enjoyned by the Said Act and the aforesaid Act and Every Article Rule and

Clause therein mentioned shall be abide continue and remaine in full force virtue and effect to all Intents and purposes for the payment of the Said Sum of Money hereafter mentioned in such due and equal proportions as in the aforesaid act is expressed and directed and to no other purpose or intent or in any other manor or proportion Whatsoever as fully and in Like manner as if the same were particularly and at Large recited and set down in the body of this Act anything contained in the aforesaid Acts to the Contrary hereof in any ways notwithstanding and to the end that the Rates and Duties paid in manner aforesaid and now in hand by virtue of this Act may be duely truely and in the proportions aforesaid paid and imployed unto the severall and respective persons and uses here after mentioned and to no other use purpose or intent whatsoever be it further Enacted by the authority aforesaid that the sume of two thousand seven hundred & thirty four pounds eleven shillings and three farthings now in hand and raised by virtue of the said Act be distributed according to the proportions aforesaid Amongst the persons and to the uses hereafter mentioned and the residue and remainder That shall arise and become payable by virtue of this Act to be Likewise distributed in like manner aforesaid unto the purposes hereafter mentioned until the same be Compleatly paid and Satisfyed that is to say for the paying and satisfying of 317£ 13s 1gr due from the Government for Incidental Charges expended for the security of the fronteers from the 28th day of March 1691 to the First day of may 1696 and Likewise for the paying and Satisfying the sum of 250£ together with the Interest of ten per Cent per Annum untill the same be paid due for the pay of the officers and Souldiers of Major Schuylers Company according to establishment and likewise the sum of 1056£: 13: 11d: 1gr to Coll Stephenus Cortlandt being a Debt due to him from the Government and for the payment thereof the Additional Duty was first raised and Likewise the sum of 1103£ 9s 8d 1gr to Major brockhost and Captaine Baxters Company being a debt due As Last aforesaid and also the sume of 15£ being a debt due John Rosie and Likewise the sum of 74£ 8s to Major Wessellet being a Debt due as Last aforesaid and Likewise the Sum of 1224£ 6s 4d being a Debt due to the magistrates of albany as Last aforesaid and Likewise the sum of 77£ 8s: 8d: 1of; being a Debt due to Thomas Clark as Last aforesaid,and also the Sum of 15£ being a Debt due to David Schuyler as Last aforesaid the whole of said Debts for which the Said Additional Duty & Rates was first raised amounting to the sume of three thousand five hundred Sixty Six pounds Six Shillings and Eight pence and Likewise for finishing of his Majesties Chappel in the fort the Sum of 450£

and Likewise the Sum of 150£ to Coll Richard Ingoldsby for the defraying the Extraordinary Charge he has been at by being posted at albany for the security of the fronteers all which Debts and sums of Money amount in the Whole unto the sum of four thousand seven hundred thirty three pounds Nineteen shillings and Eight pence farthing and for the more regular payment of the Debts aforesaid be it further Enacted by the authority aforesaid that within one Moenth after the Publication hereof the severall and respective Creditors heretofore Mentioned and Expressed shall register or cause to be registered the Debts due to them respectively in a book at his Majesties Custom house of New Yorke which his Majesties Receiver Generall for the time being shall have for that purpose Wherein he Shall likewise keep a perfect and distinct Account of the Rates and duties upon Merchandize that shall Become payable unto him by virtue Of this act and the same shall adjust every three Months and make payment thereof to the persons above mentioned their Executors Administrators or assigns in Quarterly payments and in equal Proportions according to the greatness and smallness of the several and respective sums aforesaid and to no other use purpose nor in any manner or way whatsoever any things contained herein to the contrary hereof or in any other of the said acts notwithstanding.

THE FIFTH ASSEMBLY.

Fourth Session.

(Begun Sept. 12, 1696, 8 Wm. III, Benjamin Fletcher, Governor.)

[CHAPTER 58.]

[Chapter 58, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Brinley's Bradford, p. 128. Title only is printed in Baskett, p. 26.]

An Act for the Raising One hundred men to be listed in his Majesties three Companyes posted at Albany for the Security of the fronteers and for the Raising of Twelve hundred pounds for the Encouraging such as shall list themselves in the said Companies and for the defraying of other contingent Charges at the sd fronteers.

[Passed, October 30, 1696.]

Whereas the provision that was lately made for the reinforcing and strengthening the ffronteers of this Province at Albany hath not had that effect that was designed many of the Souldiers that

were listed in his Majesties Companyes and posted there haveing deserted the said Service whereby the Said fronteers are much weakened and his Excellency being pleased in his speech to Recomend that one hundred men should be forthwith raised to be added to the two hundred and Twenty one men that are in his Majesties three Companies there as a necessary force for the Defence of that place the Representatives convened in Generall assembly taking the same into their serious consideration and being willing on all Occasion out of their dutifull and Loyal Affections unto his most Excellent Majesty to joyne with and assist his Excellency in the great and prudent care he hath all wayes taken and does daily take for the Security of the Said fronteers humbly pray that it may be Enacted and be it therefore Enacted by his Excellency the Governour and Councill and Represntatives convened in Generall assembly and by the authority of the Same that the Sume of Six hundred pounds Currant money of this province be laid assessed raised and levyed upon all and Every of the Inhabitants Residents Sojourners and freeholders of, and in this province to be imployed by his Excellency for the Raising one hundred Effective men to be listed in his Majesties Said three Companyes to be Posted there for the necessary Defence of the Said fronteers and there to continue and remaine from the first day of November next untill the first day of May then next following and for the better enabling his Excellency to raise the Said one hundred effective men the Said Six hundred pounds is to be distributed in manner following that is to Say, the sume of five pounds to be given to Such persons as Shall voluntarily list them Selves in the Said Companyes and twenty shillings to Such person or persons for Each man he or they Shall procure to be Listed in the Said Companyes in manner aforesaid. And Whereas the Enemy by their late Incursion into the Indian Country had destroyed the two Castels of the Onondagos and Oneydes and also wasted and destroyed their Indian corn by which means the Said two Nations of Indians are constrained to disperse themselves, and their wives and children likely to perish if provision be not made for their Relief and Subsistance this ensuing winter, be it further Enacted therefore by the authority aforesaid that the Sume two hundred pounds be also laid assessed raised and levyed upon all and every the Inhabitants Residents Sojourners and freeholders of and in this province to be Imployed by Major peter Schuyler Major Derrick Wessells and Mr. Killian van Ransslaer, fore the procuring of corn and other necessary Provision and the same to be Distributed by them among such of the said Indians as shall want reliefe as to their discretion shall seem Meet and Convenient they Keeping a true and Exact account thereof And Whereas the

many false alarmes that have lately happened in this province have occasioned Great Charge and discontent among the Inhabitants to the End that the same may for the future be prevented be it further Enacted by the authority aforesaid that there be the sum of two hundred pounds also laid assessed raised and leveyed upon all and every of the inhabitants Residents Sojourners and ffreeholders of and in this Province to be Imployed by the Said Major Schuyler Wessels and Ranslaer in the sending of Scouts of Christians and Indians to the lake or elsewhere to Discover the motion of the Enemy which are to be continually in the Said Service from the first day of November next until the first day of may next following and also for the payment of those that were lately Sent out and are now in pursuit of the Enemy. And Whereas his Excellency was Necessitated to raise some money upon the credit of the Government for the defraying of the Extraordinary charge at the time of the late Invasion of the Enemy into the Indian Country be it further Enacted by the authority aforesaid That the Sume of two hundred Pounds be also laid, assessed, raised and levyed upon all and every the Inhabitants, Residents, Sojourners and free-holders of and in this Province, for and towards the payment of the money raised upon the Said Credit, and the defraying of the Extraordinary charge. And Whereas the Money agreed to be raised by this act will be now presently wanting for the payment of such men as shall voluntarily list themselves as aforesaid and the supplying the other Necessities hereby granted be it further Enacted by the authority aforesaid That the Sum of one hundred pounds Like currant money aforesaid be laid assessed raised and levyed upon all and every the Inhabitants Residents Sojourners and freeholders of and in this province to be imployed for the payment of the Interest of ten per Cent for the money that shall be advanced by any person or persons for the purposes aforesaid upon the Credit of this act all which severall and respective sum and sums of money to be laid and assessed in manner aforesaid makes in the whole the Sume of twelve hundred pounds currant money aforesaid which sd Sume shall be laid assessed raised and paid unto his Majesties Receiver Generall for the time being at the Citty of New Yorke at or before the 25th day of March next which shall be in the yeare of Our Lord 1697 for the End and purpose aforesaid and to no other End or purpose whatsoever according to the Severall and respective Quotas and proportions following that is to say for the Citty and County of New Yorke three hundred sixty five pounds for the County of Westchester sixty nine pound twelve for the County of Richmond thirty seven pounds four shillings for Kings County one hundred ninety four pound Eight shillings

for Queens County one hundred ninety three pound Sixteene shillings for Suffolk County two hundred sixteen pounds for Ulster and Ducthess County one hundred and Eight pound for Orange County twelve pound and for the due and better assessing Levying and paying the Aforesaid Sume of 1200£ Currant money aforesaid Be it further Enacted by the authority aforesaid that the Mayor and Aldermen of the City of New Yorke the Justices of the peace for the time being for the severall Respective Countyes aforesaid for the severall Counties respectively for the which they Shall be Justices of the peace do within fourty days after the publication hereof assemble and meet together in the court houses for the Severall and Respective Cittyes and Counties or Such other place or places as they shall agree upon among themselves and shall there order that the assessors and Collectors for the Citty of New Yorke and the Severall and Respective Towns mannors or Liberties within their Severall Jurisdictions for the assessing collecting and receiveing of the publicke Rates for the defraying of the Publick charge of each respective Citty and County aforesd be the assessors and collectors for the assessing collecting and receiveing the sume or sumes of money hereinbeforementioned according to the proportion before Expressed as to the Said Mayor Aldermen and Justices shall seem meet and Reasonable. And forasmuch as there are Severall Towns Mannors and Jurisdictions within the Respective Counties aforesaid who refuse neglect or do not Elect annually or once Every yeare assessors or collectors whereby the Intent of this & other acts heretofore made and published may be Evaded and frustrated be it therefore Enacted by the authority aforesaid that if any of the respective Towns mannors or Jurisdictions within the Severall Counties aforesaid shall refuse neglect delay or deny to chuse or elect Assessors and Collectors for the assessing of there Severall and respective Towns mannors or Jurisdictions and for the Collecting the Same according to the true intent meaning and direction of this and the other Acts in Such case made and provided then and in Such case it shall and may be lawfull for the Justices of the peace or any two of them in the Counties where such Towns mannors or Jurisdictions are who are hereby impowered and authorized to nominate and appoint Assessors and collectors for Such Towns mannors and Jurisdictions as shall refuse neglect delay or deny as aforesaid or heretofore have refused neglected delayed or denyed which Assessors and Collectors so nominated and appointed in manner aforesaid shall to all intents and purposes be deemed and Esteemed the assessors and collectors of the said Towns Mannors and Jurisdictions and observe and Execute the Directions of this and other Acts under the pains and penalties in the said act contained and menconed

and. [The remainder of this act is missing from the Rolls and is copied from Brinley's Bradford.]

And be it further Enacted by the authority aforesaid, That the said Mayor and Aldermen, the Justices of the Peace for the respective Cities and Counties, Towns, Mannors and Jurisdictions, have and shall have, by virtue of this Act full Power and Authority, each of them by himself to administer to such Assessor or Assessors that shall be elected or nominated and appointed in manner aforesaid. That they shall Well and Truly execute the Office of an Assessor, and Well Truly, Equally, Impartially and in due proportion assess and rate the Estates of the Inhabitants, Residents, Sojourners and Free-holders of the respective places for which they shall be chosen, elected, nominated and appointed Assessors, according to the best skill and knowledge and therein they shall spare no Person for favour nor affection, or grieve any Person for hatred or ill will. And the said Assessors are hereby required to deliver one Copy of their Assessment fairly written and subscribed by them, unto the said Justices or to the Office of the Clerk of the Peace of the respective County to which they belong. And the said Justices for each respective County or any two or more of them are hereby ordered and required to cause the said several and respective Assessments to them delivered, to be fairly written, and to sign and seal several Duplicates or Copies of the said Assessment, and one of them so signed and sealed, forthwith to deliver, or cause to be delivered unto the respective within the several and respective Cities and Counties aforesaid, and shall likewise deliver, or cause to be delivered another fair Copy, so signed and sealed, unto the Clerk of the Peace of the respective County to which they shall belong, there to be filed and remain upon Record. And the Clerk of the Peace of each County is hereby required to transmit the Sum of the Assessment of each Town unto the Receiver Generall at New York for the time being.

And be it further Enacted by the Authority aforesaid, That if any Person or Persons, who shall be chosen elected, nominated or appointed, in manner aforesaid, Assessors or Collectors, shall deny, neglect refuse or delay, or unequally and partially shall assess, as by this, and the other Acts are required, so shall deny, neglect, refuse or delay to collect any Sum or Sums of Money, in form before mentioned, assessed that then in such case it shall and may be lawful for any two of his Majesties Justices of the Peace of the City and Counties where such Offenders shall happen to dwell or reside, and who by virtue of this Act are required and impowered to do the same by Warrant under Hand and Seal, to commit such Assessors or Collectors, so denying, refusing neglecting or delaying, or unequally and partially assessing or

refusing to collect, as aforesaid, to the common Goal, there-to remain without Bail or Mainprize till he or they shall make fine and Ransom to his Majesty, for such his Contempt as aforesaid. And upon such Commitment, the Justices are speedily required to nominate and appoint other Collectors and Assessors in their stead and room

And Whereas there are several Prsons that have shut their Doors, and refused to pay the Rates assessed by virtue of several Acts of Assembly heretofore made and provided, whereby the intent of the said Acts seemed to be frustrated, Be it further Enacted by the authority aforesaid, That if any Person or Persons shall longer neglect or refuse to pay the several Rates and Assessments wherewith they were formerly charged by several Acts of General Assembly heretofore made & provided, or hereafter shall neglect or refuse to pay the several Rates & Assessments wherewith he or they are charged with this Act, for or in respect of his or their Goods & Chattles, Lands or Tenements, shall be neglected or refuse to be paid, then upon demand of the Collectors that shall be chosen or appointed to receive the same, or within Ten days next and after the said Demand, it shall and may be lawful to and for such Collectors and they are hereby required, for non-payment thereof, by Warrant under the hand of two Justices of the Peace, to distrain the person or persons so refusing or neglecting to pay by his or their Goods and Chattles, or distrain in and upon the Messuages, Lands & Tenements so charged, & the Goods and Chattles then and there found, and the distress so taken to carry away, and the same to expose to sale in the Town or County where such Distress is made, and for want of buyers, to carry the said Distress unto any other place in the Province for the sale of the said Distress acordingly, for the payment of the said Rate or Assesment, and the Over-plus coming by the said sale, if any be over and above the Charges of taking and carrying away the said Distress, to be immediately returned to the Owner thereof. And moreover, it shall and may be lawful to break open in the day time any House; and upon Warrant under the hand and seals of any two or more of the said Justices, any Chest, Trunk or Box or other things, where such Goods are, and call to their assistance the Constables, or any other persons within the respective Cities, Counties, Towns, Mannors and Jurisdictions where any refusal, neglect or resistance shall be made; which said Officers and Persons are hereby required to be aiding & assisting in the Premises.

And be it further Enacted by the Authority aforesaid, That if any Mayor, Aldermen or Justice of the Peace within this Province, who are hereby required, impowered and authorized to

take effectual care that this Act, and every Article and Clause therein be duely executed, according to the true intent and meaning thereof, shall deny, neglect refuse or delay to do, perform, fulfil & execute all and every the Duties, Powers & Authorities by this Act required and impowered by him or them to be done, performed, fulfilled and executed, and shall there of be convicted before his Excellency, the Governour and Councill, or before any of his Majesties Courts of Record within this Province, he or they shall suffer such Pain by Fine and Imprisonment, as by the discretion of his said Excellency, the Governor and Council, & the Justices of the said Courts shall be adjudged.

And be it further Enacted by the Authority aforesaid, That if any Action, Plaint, Bill or Information shall be brought, moved or prosecuted at any time hereafter, against any person or persons, for any matter, cause or thing done or acted in pursuance or execution of this Act, such person or persons so sued o. prosecuted in any Court whatsoever, shall and may plead the general Issue, Not Guilty, and give this Act and the special matter in Evidence. And if the Plaintiff or Prosecutor shall be Non-suited, or forbear further Prosecution or suffer Dis-continuance or Verdict to pass against him, the Defendant or Defendants shall recover tribble Costs, for which they shall have the like Remedy, as in case where Costs by the Law are given to Defendants.

Provided always, That no Mayor, Alderman or Justice of the Peace shall be troubled, sued, prosecuted or molested for any Omission, Offence or Neglect by virtue of this Act, but within the space of one Year after such Omission, Offence or Neglect, and not at any Time hereafter, any thing contained herein to the contrary hereof in any wise notwithstanding.

[CHAPTER 59.]

[Chapter 59, of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Brinley's Bradford, p. 128; Baskett, p. 26. Baskett states that this act was confirmed, but does not give date of confirmation.]

An Act to vacate a deed of trust executed by John Robinson and Margareet his wife for the land now in the tenure and occupacon of Cornelius Barneson and forthe confirming of the same unto him his heir's and assigne's forever.

[Passed, October 30, 1696.]

Whereas John Robinson of Queens County on the Island of Nassaw by A certain Deed sealed with his seale bearing date the 15th day of June in the fourth yeare of the Reigne of the Late King James the Second and in the yeare of Our Lord 16 Did

grante bargaine Sell convey and assure unto William Niccolls and his heires One third part of a certaine neck of land commonly called madmans little neck with the appurtenances late in the Tenure of Richard Cornwall deceased lying and being in Queens County at Cornbury Together with all and Singular the messauges tenements barnes Stables orchards Gardens arable Lands meadows Pastures Inclosures hereditaments and appurtenances in trust for the use and uses hereafter Expressed to have and to hold unto the Sayd William Niccolls and his heires in trust for and to the use and behoof of the Sayd John Robinson and Margaret his wife for and during the Naturall Lives of him the Sayd John Robinson and Margaret his Said wife and the Naturall life of the Survivor of them two and afterwards for and to the use of the heires of the Body of the said John Robinson begotten or to be begotten and in default of Such to the right heires of the Said John Robinson forever as by the Said Deed of Indenture entered in the Records of the Said Queens County relation being thereunto had may more fully and at large appear and Whereas the said John Robinson and Margaret his wife afterwards by their certaine Deed poll baring date the 17th day of March in the yeare of our Lord 1693 for the considerations therein menconed but more Especially for the summe two hundred pounds currant money of New Yorke to them in hand paid by Cornelius Barneson of flat Bush in Kings County Yoeman, Did Grant bargaine alien sell and confirme unto the said Cornelius Barneson his heires and Assignes for Ever all that certaine farme Lyeing and being in Cornbury in the bounds of flushing formerly bought of Richard Cornwell Sen'r, Deed together with all the houses Outhouses barnes stables Pastures orchard's Gardens ways Easements woods underwoods, waters and water Courses and appurtenances to have and to hold the premisses unto the said Cornelius Barneson his heires and Assignes for ever to the sole and only proper use benefitt and behoof of him the said Cornelius Barneson his heires and Assignes for ever as by the Said Deed, poll bearing date as aforesaid Entered in the Records of the Towne of flushing relation being thereunto had may more fully and at Large appeare and Whereas the Said John Robinson and Margaret his wife have by their Petition Presented to his Excellency Benjamin ffletcher Captaine Generall and Governour in Cheife of this his Majesties Province of New Yorke and Territoryes thereon Depending in America the Councill and Representatives convened in Generall Assembly prayd that for their present subsistance and that they may be the better Enabled to Pay their debts that the aforerecited deed of trust made to the aforesaid William Nicholls for the uses therein mentioned may

by act of General Assembly be declared null voyd and of none Effect and yt the deed made unto the Sayd Cornelius Barneson may remaine Continue and abide in full force and virtue as if the said Deed of trust for the uses within menconed had never been Executed any thing threin to the contrary in any wayes notwithstanding which just and reasonable request being taken into consideration it is declared and Enacted and bee it therefore Enacted by his Excellency the Governour and Councill and Representatives convened in Generall Assembly and by the authority of the Same that the aforesaid deed of trust and the enrollment and Record thereof made by the Said John Robinson unto the Said William Nicholls in manner aforesaid Shall by the authority of this Generall Assembly bee made Voyd and Cancelled and that the use and uses remainder and remainders thereby raised Limited and declared and therein menconed or intended to be therein raised Limited or declared shall from henceforth cease determine and bee utterly Voyd and of none Effect And to the end that the said Connelius Barneson may for the future peaceably and quietly possess and Enjoy all the aforerecited Land and Premisses According to the true intent and meaning of the aforesaid deed Poll. Bee it further Enacted by the authority Aforesaid that the Said Deed Poll Executed by the Said John Robinson and Margaret his wife in manner aforesaid Shall for Ever hereafter be deemed and Esteemed in the Law a Good and perfect deed for the conveyance of the premisses from the Said John Robinson and Margaret his wife unto him the Said cornelius Barneson his heires and Assignes for Ever to all intents purposes and Constructions in the Law wtsoever in as full and ample manner as if Such a Deed of trust had never been made any thing contained therein to the contrary thereof in any wayes Notwithstanding.

THE FIFTH ASSEMBLY.

Fifth Session.

(Begun Mch. 27, 1697, 9 Wm. III, Benjamin Fletcher, Governor.)

[CHAPTER 60.]

[Chapter 60, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Brinley's Bradford, p. 137; title only is printed in Baskett, p. 27.]

An Act to Enable the City and County of Albany To defray Their necessary charge.

[Passed, April 21, 1697.]

Whereas there was an act of Generall Assembly made in the Seventh Year of His Majesties Reigne intitled an act to Enable

the City and County of Albany to defray their necessary charge for two years from the publication thereof which act doth Terminate by its own limitation upon the ffirst day of July next And the Representatives of the said City and County of Albany humbly praying That the said act may be Reveived and continued ffor two years Longer after the Expiration of the Said act Bee it therefore Enacted by His Excellency the Governour and Councill and Representatives convened in Generall Assembly And it is hereby Enacted by the Authority of the same, the Imposition or rate of two per Cent shall be raised and Levyed upon all Indian goods that are Brought up to that City and County of Albany, and there sold and Consumed, also that the Impost of Three pence be raised and Levyed upon each gallon of rum that is sold and consumed within that City and County and for the due and orderly collecting of the Respective Imposts and Rates the Treasurer of the said City for the time being or any appointed by him and the Mayor of the Said City under the publick seale of the said City are hereby Impowered and authorized to appoint constitute and Establish a Collector or Receiver of the rates and Imposts aforesaid who shall have Power to Receive the same and to Enter In a fair Booke kept for that purpose all Such Sume and Sums of money as shall be so entered, and record for the respective dutys aforesaid. The said Collector or Receiver appointing certaine convenient Times and plans for the keeping of the Office as shall be Directed by the Court of Mayor and Aldermen and Assistants of the said City & all persons that trade and bring up to the said City and County the aforementioned Indian goods and rum are hereby Required to make a report of the quantity and value of Such goods and rum they so bring up and all Sell in the City and County aforesaid and pay the duties and Imposts Hereby Established without being at any ffurther charge then the said duty and in Default hereof it shall be lawfull for the Mayor Treasurer or any other officer hereby authorized to Issue out his or their Warrants under his or their hand and Seale for the seizing of all Such goods & rum as shall be Embezeled and not pay the dutyes aforesaid, one third to the Informer and one third to the said City and County of Albany and one third to his Excellency the Governour or Commander in chiefe for the time being provided that all the sume and sumes of money that are hereby Received shall be only appropriated and applyed to the defraying of the necessary charges of the City and County aforesaid and that the Treasurer Collector or Receiver for the time being shall not pay

any of the money received as aforesaid but by warrant from the Mayor of the said City and Approved by the Justices of the peace of the County Provided that this act shall only remain in force for the space of Two years and no longer and to Commence upon the expiration of the former acts any thing contained herein to the contrary hereof notwithstanding.

[CHAPTER 61.]

[Chapter 61, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Brinley's Bradford, p. 137; Baskett, p. 27. Baskett states that this act was confirmed September 5, 1700.]

An Act for the Raising a Yearly Rate to pay the respective Collectors in Each Respective City and County in this Province for their payns in Collecting and paying the publick Rates & Taxes.

[Passed, April 21, 1697.]

Whereas the Respective Cities and Countyes within this Province have Neglected to make an Annuall Rate for the Satisfyeing the collectors for the charge and trouble in the Collecting and paying the publick Taxes Raised in their Respective Cityes and County to the great hurt and Loss of those Collectors that have been Employed in the Said Service as well as the Great delay in the paying of the Said Taxes unto his Majesties Collectors Receiver Generall to the end therefor that the same may be Removed Be it Enacted by his Excellency the Governour and Council and Representatives Convened in Generall Assembly and by the authority of the same that there shall be the Laid and assessed Annually & once Every year a certaine rate in each respective Citty and County within the said Province for the paying and Satisfying the Respective Collectors of the publick taxes within their Respective Limitts and Precincts in their Respective Counties According to Such Agreement as the Respective Justices of the Respective Cities and Counties within this Province Shall make with the Severall Collectors in the Respective Cityes and Counties aforesaid provided the same Shall not Exceed Nine Pence P pound unless Queens County who may Raise a Rate for the Satisfying the Arrears due to their Respectnve Collectors within the Said County.

[CHAPTER 62.]

[Chapter 62, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Brinley's Bradford, p. 136. Title only is printed in Baskett, p. 27. This act continues chapters 28 and 54.]

An Act for the confirming & Continueing two acts passed in the ffifth and Seventh year of His Majesties reigne for the Establishing Courts of Judicature &c for one year Longer after the times mentioned In the Said Acts Expired by their Limitation.

[Passed, April 21, 1697.]

Bee it Enacted by his Excellency the Governour and Councill & Representatives Convened in Generall Assembly and it is hereby Enacted by the authority of the Same that an act of Assembly passed in the Seventh year of the Reigne of Our Soverign Lord William the third King of England &c Entitled an act for confirming and continuing an act for the Establishing Courts of Judicature for the Ease and Benefitt of Each Respective City town and County within this province Shall be abide continue and Remaine in full force and Effect To all intents and purposes whatsoever and all and Every the articles Rules and Clauses mentioned In the Said act as well as all & Every the articles Rules and Clauses Recited and mentioned in an other act of Assembly made in the ffifth year of the Reigne of our said Sovereign Lord the King that now is Intitled an act for Establishing Courts of Judicature for the Ease and Benefite of Each Respective City Towne and County within this province for and dureing the space and Terme of one whole yeare next and after the Expiration of the Time Limitted in the aforesaid act and no Longer In as full and ample manner as if all and the aforesaid Rules Articles and Clauses were Recited Expressed and mentioned in this act any thing therein to the Contrary hereof in any wayes notwithstanding.

[CHAPTER 63.]

[Chapter 63, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Brinley's Bradford, p. 134. Title only is printed in Baskett, p. 27. Livingston & Smith state that this act was passed April 26, 1697. Van Schaack states that the act was passed April 22, 1697. From the Minutes of the Council, it appears that the bill was passed April 20, 1697. (See Journals of Legislative Council, p. 108.)]

An Act for the raising the Sum of three and twenty hundred pounds to Enable his Excellency to secure the ffronteers at Albany and for Recruiting his Majesty three Company Posted there with a Sufficient Number to Compleat three Hundred Effective men to Remaine there from primo may next untill the primo may then next following and to Free the Inhabitants Dureing the Said time from Detachment.

[Passed, April 20, 1697.]

The Representatives Convened in Generall Assembly in Humbly Acknowldgment of the Great and Prudent care that his Excellency hath taken for the Security of the ffronteers of this Province at Albany as will as that his Excellency may be the better Enabled to Secure the Said ffronteers by Recruiting his Said Majesty three Company Posted there with A Sufficient Number of Compleat the Said Companyes three hundred Effective men and for their Encouragement to Remain there from the Primo Day of May next to the primo day of May then Next ffollowing as also Dureing the said time to Ease the Inhabitants of the said province from any further Supplyes in assembly for the Service as well as ffree them from detachments Except in the case of inevitable Necessity do humbly pray that it may be Enacted and Be it therefore Enacted by his Excellency the Governour and Councill and Representatives Convened in Generall Assembly and by the authority of the same that the sum of three and twenty hundred pounds Currant money of this province be laid Assessed Levyed and Raised upon all and every the Inhabitant Residents Sojourners and ffreeholders of and in this province to be imployed by his Excellency in manner and form following that is to say the Sume of Eighteen hundred pounds part of the said Sume of three and twenty hundred pounds for the Recruiting of his Majesties Said three Companys Posted at

Albany for the Security of the ffronteers of this province there with a sufficient Number to Compleat the said three Companies three hundred Effective men and for there Encouragement To Remaine there from the aforesaid primo day of May next to the primo day of may then next ffollowing as also dureing the said time to Ease the Inhabitants of the Said Province from any further supply in Assembly for the service as well as to free them from detachments unlesse in the case of Inevitable Necessity and also the Sume of five hundred pounds the Residue of the aforesaid Sume of three and twenty hundred pounds Currant money aforesaid to be Lodged at Albany and Destributed amongst Such as Shall be Employed to Range the woods for the Discovering of the motion of the Enemy on occasion and to no other Use intent or purpose whatsoever which Summ of three & twenty hundred pounds Currant money aforesaid Shall be raised assessed levyed & paid Unto His Majesties Collector and Receiver Generall for the time being at the City of New York in two Equall payments that is to Say the one moyety or half part thereof at or before the twenty ninth day of September next and the other moyety or Equall halfe part thereof at or before the twenty fifth day of March then next following in Such manner & according to the Severall and Respective Quotas and proportions following that is to Say for the City and County of New Yorke the Sume of Seven hundred and seven pound Five Shillings Currant money aforesaid for the County of Suffolk the Sume of four hundred and fourteen pound Currant money aforesaid for Kings County the Sum of three hundred seventy two pounds twelve Shillings Currant money aforesaid for Queens County the Sum of three hundred seventy one pound nine Shillings Currant money aforesaid for the Countys of Ulster and Dutchess the Summ of One hundred Ninety seven pounds sixteen Shillings Currant money aforesaid for the County of Westchester the summ of one hundred thirty three pound Eight Shillings Currant money aforesaid for the County of Richmond the sume of Eighty pounds tenn shillings Currant money aforesaid for the County of Orange the Sum of twenty three pounds Currant money aforesaid and for the due and Better Assessing Raising Levying and paying the aforesaid summ of three and twenty hundred pounds Currant money aforesaid Be it therefore further Enacted by the authority aforesaid that the Mayor Aldermen of the City of New Yorke the Justices of the peace the Assessors and Collectors for the time being of all and Every of the Respective Cittys and Countyes Townes mannors Libertyes and Jurisdictions Within

this Province are hereby Required Impowered and Authorized to Summons and assess Collect and pay the Severall Summs of money hereinbefore menconed According to the Quotas and proportions before Expressed in Such ways and means according to such rule manner and Directions and under such payns and penaltyes as are contained Enjoyned Prescribed directed and mentioned in an Act of Generall Assembly passed in the Eighth yeare of his Majesties reigne Entitled an act for the raiseing of one hundred men to Be listed in His Majesties three Companyes posted at albany for the Security of the ffronteers and for the raiseing of twelve hundred pounds for the Encouragement of such as shall list themselves in the said Companyes and for the Defraying of Contingent Charge at the Said ffronteers and all and every article, rule, clause, pains and penaltyes Expressed and mentioned in the aforesaid act for and concerning the Summoning Assessing Collecting and paying of money or for Refusing and Neglecting the Severall and Respective Quotas Required therein shall be abide Continue and remaine in full force and Effect to all intents and purposes in as full and ample manner for the due Execution of this act untill the aforesaid summ of three and twenty hundred pounds Currant money aforesaid be duely fully and Compleatly assessed collected and paid as above directed as fully and in like manner as if the Same were particularly and at Large recited and set down in the body of this act any thing therein Contained to the contrary hereof in any wayes notwithstanding and the Mayor and Aldermen of the Citty of New Yorke and all and every of the Justices assessors and collectors of the Respective Cittyes and Countyes aforesaid and all others concerned herein are hereby required and Commanded to take Strict notice hereof accordingly.

THE SIXTH ASSEMBLY.

(Begun Mch. 18, 1698, 10 Wm. III, Richard, Earl of Bellamont, Governor.)

[No acts were passed at this Assembly.]

THE SEVENTH ASSEMBLY.

First Session.

(Begun Mch. 2, 1699, 11 Wm. III, Richard, Earl of Bellamont, Governor.)

[CHAPTER 64.]

[Chapter 64, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Brinley's Bradford, p. 163. Title only is printed in Baskett, p. 39. All the acts that were passed in 1699, are erroneously stated in Brinley's Bradford, p. 140. Baskett, p. 29, as having been passed in 1698. Livingston & Smith and Van Schaack state that this act was passed April 15, 1699. From the Minutes of the Council, it appears that the act was signed by the Governor, May 16, 1699. (See Journals of Legislative Council, p. 143.)]

A Bill for the Indempnifieing of all Such persons as were Excepted out of ye Generall pardon made by Act of Generall Assembly in this province in ye year of our Lord 1691.

[Passed, May 16, 1699.]

WHEREAS the General Assembly of this Province did by an Act Entituled an Act for pardoning Such as have been Active in ye late Disorders, Except against Severall of his Matys Good Subjects vizt. Jacob Leisler, Jacob Milborne, Gerrardus Beekman, Abraham Governeur, Abraham Brashier, Thomas Williams, Mynart Coerten, Joannes Vernelse, Nicholas Blank, Garret Duyking, Hendrick Jansen, John Coe, William Lawrence, of East Jarsey, Cornelius Plevier, William Churchill, Jost Stoll, Samuell Staates, Jacob Mauritz, Robert Lecock, Michael Hansen, Richard Ponton, Joseph Smith, John Bayly, Roelof Swartwont, Anthony Swartwont, Joannes Provost, Jacob Melyen, Benjamin Blagg Joachim Staates & Richard Pretty, who had been forward in ye late happy Revolution from haveing the benefit thereof. And ye Representatives now Convened in Generall Assembly takeing into their Serious Consideration the ill Consequences that have already accrued & yett Still may ensue by ye aforesaid Exceptions to ye great damage & ruine of Such as Declared for his present Maty at ye time of ye said Happy Revolution as well as ye Continuall Disturbanes which persons ill affected to ye peace of this Governm't doe hereby Insinuate Creat & foment. And whereas her most Sacred Ma'ty ye late Queen Mary (of blessed Memory) by her order in Councel dated ye 13th day of May 1692 was graciously pleased to Discharge all Recognisances & pro-

ceedings thereupon for any matter or thing Comitted in ye Assisting of Capt. Jacob Leisler whilst he had ye Administration of ye Govern't of this Province. And whereas by Act of parliam't made in ye Sixth and Seaventh yeare of his Ma'tys Reigne, for ye Reasons & motives in ye Said Act at Large Expressed the Judgemerts & Attainders of Jacob Leisler Deceased, Jacob Milborne, Deceased, and Abraham Governeur (three of ye persons menconed & Excepted in ye Said Act of Assembly) were reversed made & Declared to be null & Void to all Intents Construccons & purposes whatsoever as if no Such Convictions or attainders had ever been had or Given. And now whereas Gerardus Beekman Thomas Williams Deceased Mynart Coerten Abraham Brashier and Joannes Vermelse deceased were together with ye said Jacob Leisler & for ye joineing with & Assisting of ye Said Jacob Leisler & holding of ye fort Against Major Ingoldsby were Severall attainted and Convicted at ye Supream Court of Judicature in this Citty of New yorke of Treason & Murder. Bee it therefore ENACTED by ye Gov'r Councill & Representatives in Generall Assembly Convened & by ye Authority of ye Same that ye Said Severall Convictions Judgem'ts & Attainders of ye Said Gererdus Beekman Thomas Williams Deceased Mynart Coerten Abraham Brashier & Joannes Vermelse Deceased & every of them be & are hereby repealed, reversed, made & Declared null & void to all Intents Construccons & purposes whatsoever & that no Corruption of Blood or any other forfeiture of Lands, Tenem'ts hereditaments, Goods & Chattles be by ye said Convictions or attainders or either of them incurred any Law usage or Custome to ye Contrary notwithstanding. And be it further Enacted by ye Authority aforesaid that all & every the above named Gerrardus Beekman, Abraham Brashier, Thomas Williams, Mynart Coerten, Joannes Vermelse, Nicholas Blank, Garret Duyking, Hendrick Jansen, John Coe, William Lawrence of East Jarsey, Cornelius Plevier, William Churchill Joost Stoll Samuell Staates Jacob Mauritz, Robert Lecock Michael Hansen Richard Ponton Joseph Smith, John Baily Roelof Swartwont Anthony Swartwont Joannes Provost Jacob Melyen Benjamin Blagg Joachim Staates, and Richard Pretty be & are hereby forever Indempnified for all and every of their Actings in the late happy Revolution as aforesaid and all Judgments & Execucons had against their persons or Estates for or by reason as aforesaid, are hereby Declared to be null and void and ye Same are hereby repealed & reversed any Law Usage or Custome to ye Contrary notwithstanding.

[CHAPTER 65.]

[Chapter 65, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Brinley's Bradford, p. 164. Title only is printed in Baskett, p. 39. The act repealed is chapter 16. Livingston & Smith and Van Schaick state that the act was passed April 19, 1699. From the Minutes of the Council, it appears that the act was signed by the Governor, May 16, 1699. (See Journals of Legislative Council, p. 143.)]

A bill for ye repealing an Act of Assembly entituled An Act for ye regulateing Damages done in ye time of ye late disorders & for ye Uniting ye minds of their Maj'ties Subjects within this province & for calling home Such of their Ma'tyes Subjects yt have lately absented themselves from their habitacons & their usual places of their abode.

[Passed, May 16, 1699.]

WHEREAS an Act of Assembly made in ye third year of his Ma'tys Reign Entitled an Act for ye Regulating damages done in ye time of ye late disorders &c is found greivous to many of his Ma'tys good Subjects within this province & hath not in ye least measure answered ye design for wch it was made and ye continuance thereof would be very prejudiciall to all his Ma'tys said good Subjects for remedy whereof. Bee it ENACTED by his Excel ye Gov'r & Councill & representatives Convened in generall Assembly. AND it is hereby ENACTED by ye Authority of ye Same That ye aforesaid Act Entituled an Act for ye regulating damages done in ye time of ye late disorders &c be repealed, reversed, vacated, and become null and void & of none Effect, And ye Said Act and all ye Articles & Clauses therein menconed are hereby declared to be repealed, Reversed, Vacated & become null void & of none Effect to all Intents Constructions & purposes wtsoever and all process, Sumons Judgm't Sentence & Degree Determinacons and Execucons heretofore had ag't any person or persons or his or their Estates Lands & tenemt's, Goods or Chattles for or by reason of any power or Authority granted unto any person or persons as Com'rs for ye Execution of any of ye powers or authorityes menconed in ye Said Acts Are hereby declared to be null and void & of noe force & Virtue and Shall for ever hereafter Cease & Determine to all Intents and purposes whatsoever in as full & ample manner as if no Such Act had ever been in being or of any force or Virtue anything Contained in ye Said Act to ye Contrary notwithstanding.

[CHAPTER 66.]

[Chapter 66, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Brinley's Bradford, pp. 127, 148. Title only is printed in Baskett, p. 39. This act was continued by chapter 214. Livingston & Smith and Van Schaack state that this act was passed April 19, 1699. From the Minutes of the Council, it appears that the act was signed by the Governor, May 16, 1699. (See Journals of Legislative Council, p. 143.)]

A Bill for ye Regulating and returning of able and Sufficient Jurors in Tryalls at Law

[Passed, May 16, 1699.]

WHEREAS great hurt & damage does arise to ye Inhabitants of this province by reason of ye great abuses in ye returning of Jurors not Sufficiently quallified to discern ye Causes in question upon Tryalls between party & party That ye Same for ye future may be remedyed & y't able & Sufficient Jurors for Tryalls hereafter to be had may be duely returned by ye Sheriffs & other officers authorised for y't service BEE IT ENACTED by his Excel. ye Gov'r & Councill & Representatives Convened in Generall Assembly And it is hereby Enacted by ye authority of ye Same that all Jurors who are to be returned for ye tryalls of Issues Joined in any of his Ma'tys Supream or Inferiour Court or Courts of May'rs & Aldermen within this province who shall have Conginzance of any please of his Ma'tys Courts of Kings Bench Comon pleas or Exchequer or before any Justices of Assize or nisi-prius Oyer and Terminer Goale Delivery or Generall or quarter Sessions of ye peace from & after ye publication hereof in any Citty or County of this province shall every of them then have in their owne name and right a good house or messuage with tenn acres of Land of ffreehold (in ye respective Countys wherein they doe reside & in ye Cittys of New York & Albany one dwelling house free from all Incumbrances or a personall Estate to ye value of ffifty pounds Currant money of this province free & Cleer from all Debts & Lawfull demands whatsoever in ye Same Citty towne & County where Such Jurors shall reside all w'ch persons haveing Such Estate in manner aforesaid are hereby Enabled and made Liable & Sufficiently qualified to be returned and to Serve as Jurors for ye tryalls of Issues before ye Justices & Courts aforesaid any Law or Statute to ye Contrary notwithstanding and if any person of a lesser Estate and Value shall be respectively returned upon any Such Jury or tales in Default of Such Jurors it

shall be a good Cause of Challenge and ye party returned shall be discharged upon ye Said Challenge or his owne Allegation & Oath thereof & y't ye Same hereafter may be duely observed. The writt of Venire facias w'ch shall hereafter be awarded and Directed for ye Impanneling of Juryes in Cases aforesaid w'thin any Citty & County w'thin this province shall have menconed in ye body thereof twelve free & Lawful men of ye Neighbourhood of w'ch each of y'm shall have in their owne Name and right a good house or messuage w'th tenn Acres of Land of ffrehold in ye County & ye Cittys of New York & Albany a dwelling house free from all Incumbrance or a personall Estate to ye Value of fifty pounds free & Cleer from all Debts & Lawfull demands w'tsoever and ye preamble and residue of ye Said Writt shall be after ye usuall manner and y't upon every Such Writt & writts of Venire, facias the Sheriff Coroner or other minister of each respective Citty and County in this province unto whom ye makeing of ye pannell Shall appertaine Shall not returne any person in any Such pannell unless he Shall then have ye Estate as aforesaid respectively in ye Same Cittys & Countys where ye Issue is to be tryed. And that Jurors may ye better appear upon tryalls at ye Courts aforesaid be it further ENACTED by ye authority aforesaid that ye Sheriff of ye respective Cittys & Countys of this province for ye time being shall from henceforth cause twelve good & Lawfull men qualified as aforesaid to be duely Sumoned or warned two dayes at Least before ye begining of ye respective Courts aforesaid to be & appeare at ye first day of ye Sitting of ye Said respective Courts & there to attend during ye Sessions of ye Said Courts to performe their Said Duty & Service to ye Court as Jurors or Jurymen in Such Cases between party & party wherein they Shall be respectively returned & Impannelled upon pain y't every of them that Shall make default to appear & attend at & Dureing ye Session of ye Said Court unless they have leave from ye Said Court to Depart to forfeit ye Sume of thirteen Shillings & foure pence Currant money of this province to Such use as ye said Court shall appoint & ye Same to be levyed recovered & had by ye Sheriff or his Deputy in such manner and wayes as Issues of Jurors are used to be Levyed formerly provided also that there Shall not be returned any person to Serve as a Juror aforesaid who is under ye age of One & twenty yeares anything to ye Contrary notwithstanding and this Act to remaine in force for two yeares next after ye publication hereof & no longer

[CHAPTER 67.]

[Chapter 67, of Livingston & Smith, where the act is printed in full. Chapter 67 of Van Schaack, where the title only is printed. Printed in full in Brinley's Bradford, p. 124, 145. Title only is printed in Baskett, p. 29. Baskett and Van Schaack state that this act was repealed by the King, September 5, 1700. See Letter of Lords of Trade to Governor Lovelace, in Doc. Rel. to Col. Hist. V, p. 47. Livingston & Smith and Van Schaack state that the act was passed April 19, 1699. From the Minutes of the Council, it appears that the act was signed by the Governor, May 16, 1699. (See Journals of Legislative Council, p. 143.)]

An Act for ye Restraining and punishing privateers and Pirates.

[Passed, May 16, 1699.]

WHEREAS nothing can more contribute to his Sacred Majestys hon'r than y't Such Articles as are Concluded & agreed on in all Treaties of peace should by all his Ma'tys Subjects According to their Duty, be most Inviolably preserved and Kept in and over all his Ma'tys Dominions & Territories, and whereas not only against Such treaties of peace made by his Ma'ty w'th his Allies, but alsoe Contrary to his Ma'tys Royall proclamacon Severall of his Subjects have and doe Continually goe off from this his Ma'tys province of New Yorke into fforeign princes Services and Sail und'r their Comand Contrary to their Duty and good Allegiance and by fair means cannot be restrained from Soe doeing.

Be it therefore Enacted by ye Gov'r Councell & Assembly; & it is hereby ENACTED by ye Authority of ye Same that from & after publication hereof; it shall be felony for any persons w'ch now doth, or within four yeares last past heretofore hath or hereafter shall Inhabit or belong to this province to Serve in America in any Hostile manner under any forreigne prince, State or potentate or any Imployed under any of them against any other forreigne prince State, or potentate in Amity w'th his Ma'ty of great Brittaine without Speciall Lycense for soe doeing und'r ye hand & Seal of ye Gov'r or Comand'r in Chief of this province for ye time being & that all & every Such offend'r or offend'rs contrary to ye true intent of this Act being thereof duely Convicted in his Mat'ys Supream Court of Judicature within this province to w'ch Court, Authority is hereby given to hear & to determine ye Same as other Cases of ffelony, shall Suffer paines of Death without benefit of ye Clergy PROVIDED nevertheless y't this Act nor any thing therein Contained shall Extend to any person or persons w'ch now are or have been in ye Service or Employm't of any foreigne prince State or potentate w't soever y't shall

return to this province & leave & desert Such Service, & Employm't before ye first day of May in ye year of our Lord One thousand & Seaven hundred next ensueing rendring y'm Selves to ye Gov'r or Comand'r in Cheif for ye time being and give him Such Security as he shall appoint for their future good behaviour & alsoe y't they shall not depart this province without y'e Gov'rs Tickett. And for ye better & more Speedy Execution of Justice upon such who haveing Comitted Treason piracies, ffelonies, & other offences upon ye Sea shall be apprehended in or brought prisoners to this province. Bee it further ENACTED by ye Authority aforesaid That all treason, ffelonies, Pyracies, Robberies murthers, or Confederacies, Comitted or y't hereafter shall be Comitted upon ye Sea, or in any Haven, Creek, or Bay, where ye Admirall hath Jurisdiction shall be Inquired tryed heard Determined & Adjudged w'th in this province in Such like forme, as if such offence had been Comitted in & upon ye Land & to yt end & purpose Commissions shall be had under ye Kings great Seal of this province directed to ye Judge or Judges of ye Admiralty of this province for ye time being and to Such other Substantiall persons as by his Ma'tys Gov'r or Comander in Cheif of this province for ye time being Shall be named or appointed w'th Said Com'rs or Such a Quorum of y'm as by Such Comon shall be hereunto Authorized, shall have full power to do all things in & about ye Inquiry, hearing determining Adjudging & punishing of any of ye Crimes & offences aforesaid as any Com's to be appointed by Comon und'r ye great Seal of England, by virtue of a Statute made in ye twenty Eighth year of ye Reigne of King Henry ye Eighth are Impowered to doe Execute w'th in ye Kingdome of England & y't ye Said Offend'rs w'ch are or Shall be appr'hended in or brought prison'r to this province shall be Lyable to Such order process Judgem't & Execution by vertue of Such Comission to be grounded upon this Act, as might be awarded or given against them if they were proceeded against w'th in ye Realm of England by Vertue of any Comission grounded upon ye Said Statute. And all Tryalls heretofore had against Such Criminall or Criminalls before any Judge or Judges by vertue of Such Com'on or Authority at any time heretofore granted, & all proceedings thereupon, are hereby rattified, confirmed, & adjudged Lawfull & all Such Judges w'th all & every ye Inferiour officers that acted thereby are hereby Indempnified to all intents & purposes whatsoever & in case they or any of them shall at any time hereafter be Sued, vexed, molested, or troubled for any Such their proceedings as aforesaid, he or they So Sued,

vexed, or molested shall plead ye generall Issue, & give this Act in Evidence, any Law Statute, Custome or usage to the Contrary in any wise notwithstanding. Bee it further ENACTED by ye Authority aforesaid that all & every person or persons that shall any way knowingly, entertaine, harbour, Conceale, trade or hold any Correspondence, by Letter or otherwise, w'th any person or persons that Shall be deemed or adjudged to be privateers pyratts or other offenders w'thin ye Construction of this Act, & that Shall not readily endeavor to ye best of his or their power, to apprehend or Cause to be apprehended Such offender or offenders shall be lyable to be prosecuted as accessaryes & Confederates & to Suffer Such paines & penaltyes as in Such Case by Law is provided & for ye better & more effectuall Execution of this Act. Bee it further ENACTED by ye Authority aforesaid that all Comission officers in their Severall precincts w'thin this province are hereby required & Impowered upon his or their knowledge or notice given, That any privateers, pirates or other persons, suspected to be upon any unlawfull Designe are in any place w'thin their respective precincts to raise & levy Such a number of well Armed men, as he or they Shall think needfull for ye Seizing apprehending & Carrying to Goale all and every such person & persons, & in case of any Resistance or refusall to yeild Obedence to his ma'tys authority it shall be Lawfull to kill or destroy Such person or persons and all & ever person or persons That shall oppose or resist by strikeing or fireing upon any of ye Comanders parties Shall be deemed taken & adjudged as felons without benifitt of ye Clergy & every Such officer y't shall omitt or neglect his duty herein shall forfiet fifty pounds Currant money of this province for every Such offence to be recovered in any of his Ma'tys Courts of Record within this province, by Bill plaint or Informacon wherein no Essoigne Wager of Law or protection shall be allowed; One moiety thereof to be to our Soveraigne Lord ye King his heirs & Successors for & toward ye Support of ye Govern't of this province & the Contingent Charges thereof, and ye other moiety to ye Informer and all and every person & persons that upon orders Given him or them Shall refuse to repaire Imediately w'th his or their Armes well fixed, and Ammunition to Such place or places as shall be appointed by ye Said officer & not readily obey his Comands in ye Execucon of ye p'mises shall be Lyable to Such fine or Corporall punishm't as by a Regimentall Court marshall shall be thought fitt.

[CHAPTER 68.]

[Chapter 68, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Brinley's Bradford, pp. 146, 167. Title only is printed in Baskett, p. 39. Livingston & Smith and Van Schaack state that the act was passed April 20, 1699. From the Minutes of the Council, it appears that the act was passed April 22, 1699. (See Journals of Legislative Council, p. 131.)]

A Bill for the Comitting of Ebenezer Willson and Samuell Burt ffarmers of the Excise of the Island of Nassau for their Contemptuous Refusing to render an Account of what they farmed the same for to the Respective Counties Towns and Mannors on the said Island for the Last Yeare.

[Passed, April 22, 1699.]

WHEREAS all just Improvement of his Majesties Revenue in this province is not only highly Important to his Majesties Service but tends to the good Wellfare Benefitt and behoof of all the Inhabitants therein, and his Excellency the Governor, and Councell mett in Generall Assembly having the same under their consideration upon a due Inspection into the severall Branches thereof doe find that the Excise for severall yeares last past lett to ffarme either by fraud Colusion or great Negligence in those who have been Impowered to lett it has Rendred this last yeare in one County much lesse, than in former yeares it has been lett for, and that the Excise of the Island of Nassau has not produced what might Reasonably be Expected in proportion to the other parts of this province That in order to Discover the truth of such management past as well as to Enable them how best to Improve the same for the future, have thought fitt to Require such ffarmers of the said Excise of Nassau Island to lay before this house upon oath the most plain and perfect Account they are able to give of what they have lett the Excise of the SEVERALL Towns Mannors and Jurisdictions within the said Island of Nassau the last yeare of their ffarm aforesaid, and Mr. Samuell Burt and Captain Ebenezer Willson of this City having owne they did ffarm the same and being often Required for the Reasons aforesaid to Render to this house such Account soe necessary for his Majesties Service and in order to Detect all fraud and Negligence in all those who have lett the same as well as for the Better Improvement of that branch of his Majesties Revenue for the future The said Burt and Willson without giving any sufficient Reason, in Con-

tempt of his Majesties authority with which this house in the Quality they are now Sitting is Invested willfully and Stubbornly have done and doe refuse to give any such account as Required Be it THEREFORE ENACTED by his Excellency the Governor and Councill and Representatives Convened in Generall Assembly and it is hereby Enacted by the authority of the same That the said Samuell Burt and Ebenezer Willson be and Stand Committed into safe Custody without Baile or Mainprize untill they shall Exhibit under their hands upon oath the most plain and perfect Account they are able to give of what they have lett the Excise of the severall Towns Mannors and Jurisdictions within the said Island of Nassau for the last yeare of their ffarm aforesaid as in duty they ought to do any Law or Statute to the Contrary hereof Notwithstanding.

[CHAPTER 69.]

[Chapter 69, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Brinley's Bradford, pp 144, 165; Baskett, p. 34. Confirmed by the Queen, May 28, 1708. (See Fowler's Bradford, p. CXXXVIII.) Livingston & Smith and Van Schaack, state that the act was passed April 26, 1699. From the Minutes of the Council, it appears that the act was signed by the Governor, May 16, 1699. (See Journals of Legislative Council, p. 143.)]

A Bill for preventing vexatious Suits & Settling & quieting ye minds of his Ma'ties peacable Subjects w'thin this province.

[Passed, May 16, 1699.]

WHEREAS upon the newes of ye late happy Revolution and his Ma'ties Glorious Enterprize to rescue ye Kingdomes of England Scotland and Ireland and ye Dominions thereunto belonging from popery Slavery and Arbitrary power Severall persons well affected to his Ma'tys person ye protestant Religion and the good of their Country in this province did according to ye most noble Example of ye great people of England declare for their Deliverer and for his Service took upon y'm ye Governm't of this province & appointed Capt Jacob Leisler Comand'r in Cheif thereof untill his Ma'tys pleasure should be known therein who was afterwards Confirmed in ye Said Comand by his Ma'tyes Royall Letter dated ye 30 day of July One thousand Six hundred Eighty nine and by vertue thereof kept ye administration of ye Goverm't untill ye arrival of Col Henry Sloughter his Ma'tys late Capt Gener'l of this province And whereas ye persons aforesaid thro' ye Exigence of ye Warr & ye Continuall troubles

raised by persons disaffected to his Ma'tys person & Goverm't were by Inevitable necessity Constrained for ye preservation of this province to take & Seize and Secure Severall disaffected persons & enter into ye possessions and houses of Severall Merch'ts and other and there took Severall Goods Wares & Merchandizes w'ch were Imployed for his Ma'tys Service and ye Defence of this province in all which force violence and defect of fforme was unavoidable which in a time of peace & Comon Safety would not have been warrantable yet were necessary and allowable in regard of ye Exigence of ye publick affaires & ought to be Justified and ye persons therein Concerned Indempnified, nevertheless Some persons ill affected to his Maj'tys Goverm't & ye Safety & welfare of this province have Comenced & prosecuted & threaten to Comence & prosecute actions & Suits against his Ma'tys good Subjects for & by reason of their actings and doeings aforesaid. Therefore for preventing ye trouble & Charge which ye said good Subjects might be put to by ye means of Such Vexatious Suits ye Representatives Convened in generall Assembly taking ye Same into their Serious Consideracon and an Act of Parliament made in ye first year of w'm & mary entituled an Act for preventing Vexatious Suits against Such as acted in order to ye bringing in their Ma tys & for their Service & ye Effectuall remedies therein prescribed would be of great use in this province

Bee it therefore ENACTED and it is hereby Enacted by ye Gov'r Councill & Representatives in Generall Assembly Convened & by the Authority of ye Same that all personall actions Suites molestacons or prosecucons whatsoever and Judgem'ts & Execucons had thereupon for or by reason of ye p'misses or any matter or thing advised Comanded appointed happened or done in ye late happy Revolucon in this province for their Ma'ties Service & ye Safety of this Gov'ment be and are hereby discharged & if any Action or Suite hereby declared or Intended to be discharged shall be Comenced or prosecuted every person Soe Sued may plead ye generall Issue & give this Act & ye Speciall matter in Evidence, and if ye plaintiff shall become non Suited or forbear further prosecution or Suffer discontinuance or if a verdict passe against him ye said Defend't shall recover his double Costs for which he shall have ye like remedy as in Case where Costs by Law are given to defend'ts

[CHAPTER 70.]

[Chapter 70, of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Brinley's Bradford, pp. 144, 166; Baskett, p. 39. Livingston & Smith and Van Schaack, state that the act was passed May 2, 1699. From the Minutes of the Council, it appears that the act was signed by the Governor, May 16, 1699. (See Journals of Legislative Council, p. 143.]

A Bill for Setling ye Estate of Jacob Milbourne Esq. Dece'd.

[Passed, May 16, 1699.]

WHEREAS Mary Milborne ye Wife of Jacob Milborne Dece'd hath by her peticon to ye house of Representatives Convened in Gener'l Assembly sett forth that by an Act of parliam't passed in England in ye Sixth & Seaventh yeares of his Ma'tys Reign had ye attainder of her said Husband Reversed together with all ye penaltys & forfeitures w'ch did ensue by reason of ye Conviction of her said Husband in as full and Ample manner as if no Such Conviction & Judgem'ts had ever been or happened and whereas she hath further sett forth in her said peticon, that her husband dyed Seized of Sundry Lands & Tenem'ts in ye Citty and County of New york and the County of Ulster w'ch she prayes may bee settled upon her & her Son Jacob Lawfully begotten by her said husband in Wedlock and ye Survivor of them And whereas ye Said Mary Milbourne hath been deprived of her husbands bookes of accounts which were left in ye ffort at ye time that he was Seized & Comitted to prison and whereof She could never since procure a Sight of y'm whereby She hath been rendered unable to discover what Debts are due unto her Said husband or what debts were owing by him unto others & therefore Craveth by her said peticon that she may have time for one year & a day to Inquire & Examine after ye Estate of her said husband Dece'd & in ye meane time to be Exempted from all Actions & Suits until she can recover & come to ye knowledge of her husbands said books of acco'ts & ye goods & Chattles of her said husband now concealed from her which reasonable request ye house of representatives haveing taken into their Consideracon BEE it therefore ENACTED by his Excel the Gov'r & Councill & Representatives Convened in Generall Assembly And it is hereby ENACTED by ye authority of ye Same That all & every ye Lands & Tenem'ts together with all & every their appurtenances w'ch were in ye Seizing of ye said Jacob Milborn at ye time of his Conviction or Decease in ye Citty & County of New-york & ye County of Ulster or in any other County of this province are hereby invested into ye right

of ye said Mary Milborne and Jacob Milborne her only Son and ye Survivor of y'm. To have & to hold all & every ye said Lands & Tenem'ts together w'th their and every of their appurtenances Scituate lyeing & being in ye respective Citty & Countyes aforesaid unto y'm ye said Mary and Jacob Milborne her only Son their heirs and assignes forever in as full & ample manner & to all Intents & purposes whatsoever as he ye said Jacob Milborne in his life time did hold ye same & as if no such Conviction or forfeiture had ever happened or been anything to ye Contrary thereof in anywayes notwithstanding. And bee it further ENACTED by ye authority aforesaid. That the said Mary Milborne her Executors and Administrators are hereby Exempted from all Actions & Suites for or Concerning any Debts or Dues owing by her Said husband for one year and a Day next after ye publication hereof & if any Action or Suit Shall During ye said time be brought against her or her Execut'rs & Administ'rs for or Concerning ye premises then she or they shall plead ye Generall Issue & bring this Act & ye Speciall matter in Evidence & if ye plaintiff shall become nonsuit or suffer a Discontinuance or that a Verdict pass against him, she or they shall recover her or their full Costs for which she or they shall have ye like remedy as in Cases where Costs by ye Law are given to Defendants.

[CHAPTER 71.]

[Chapter 71, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Brinley's Bradford, pp. 133, 154. Title only is printed in Baskett, p. 38. Livingston & Smith and Van Schaack state that the act was passed May 5, 1699. From the Minutes of the Council, it appears that the act was signed by the Governor, May 16, 1699. (See Journals of Legislative Council, p. 143.)]

A Bill for Granting unto his Ma'ty the Sume of two thousand pound fifteen hundred pounds whereof to be allowed to his Excel Richard Earl of Bellomont and five hundred Pounds to Capt. John Nanfan Leiv't Gov'r.

[Passed, May 16, 1699.]

The Representatives Convened in Generall Assembly haveing in their Consideracon ye Exterordinary Dilligence and Care that hath been used by his Excel Since his Arrivall for ye Suppressing of pyracy & unlawfull trade and at ye Same time knowing that nothing can more effectually redound unto ye prosperity and advantage of this province than y't ye trade thereof may be duely regulated and maintained according to those most Excellent rules and methods prescribed and Directed in ye Acts of parliam't made in England for ye Regulacon of ye plantacon

trade and makeing ye Same more Serviceable to ye Interest of England in ye Sence whereof and in humble acknowledgm't of that great Obligation done unto this province by his most Excel Mat'y in appointing a person of so great Integrity to rule & Govern this province who makes it his Cheifest end to promote ye hon'r Interest Dignity and Advantage of his Ma'tys Crowne of England, become most humble supplycants unto his Most Excel Ma'ty and pray y't his Ma'ty would be graciously pleased to accept of a demonstracon of their Loyall, Dutiful & Sincere affections unto his ma'tys Royall person and Govern't Establisht here the Sume of two thousand pounds Currant mony of this province to be Levyed upon all & every the Estates reall & personall belonging to any of ye ffreeholders Inhabitants and Residents within this province &c in Such quota's and proportions as are hereafter menconed. And with ye greatest affection do most humbly pray that yo'r most Excel Maty would be most graciously pleased to give and allow the Sum of ffifteen hundred pounds thereof unto his Excel Richard Earl of Bellomont your Ma'tys Capt Gener'l and Gov'r in Chief in and over yo'r Ma'tys province of New york and territoryes Depending thereon in America and the Sume of ffive hundred pounds thereof being ye residue of ye Said Sum of two thousand pounds unto Capt John Nanfan yo'r ma'tys Leiv't Gov'r of ye Same And humbly pray that it may be So Enacted Be it therefore So Enacted by his Excel ye Govern'r & Councill and Representatives Convened in Generall Assembly. And it is hereby ENACTED by ye authority of ye Same that ye Sume of two thousand pounds Currant mony of this province be Laid Assessed Levyed and raised upon all & every ye ffreeholders Inhabitants Residenters and Sojourners of and in this province to ye uses aforesaid That is to Say ffifteen hundred pounds part of ye Said Sum of two thousand pounds for ye use of his Said Excel Richard Earl of Bellomont his Executors Administrators and Assignes and ffive hundred pounds being ye residue of ye Said Sum of two thousand pounds as aforesaid for ye use of ye said Capt. John Nanfan Leiv't Gov'r his Execut'r Adm'r and Assignes and to no other use intent or purpose w'tsoever w'ch Sume of two thousand pounds Currant mony aforesaid shall be raised, Assessed, Collected Levyed and paid unto his Ma'tys Collector & Receiver Gener'll for ye time being at ye Citty of New York at or before ye 29th day of September next in this Instant Year of our Lord One thousand Six hundred ninety nine in Such manner and according to ye Severall and respective quota's and proporcons following that is to Say For ye Citty and County of New York the Sum of ffive hundred Seaventy one pounds Cur-

rant mony aforesaid, for ye County of west Chester the Sume of One hundred and three pounds and Eight shillings for ye County of Richmond fforty Seaven pounds, for Kings County two hundred ninety four pounds for Queens County three hundred twerty nine pounds for ye County of Suffolk three hundred fforty Eight pounds Eight Shillings for Ulster and Dutchess Countys one hundred Sixty nine pounds four shillings for ye County of Orange Eighteen pounds for ye Citty and County of Albany One hundred & twenty pounds all of ye Currant mony aforesaid. And for ye due and better assessing, Levying and paying ye aforesaid Sum of two thousand pounds Currant mony aforesaid BEE it further Enacted by ye authority aforesaid That ye Mayors and Aldermen of ye Cittys of New york & Albany ye Justices of ye peace for ye time being, for ye Severall respective Countys aforesaid, for ye Severall Countys respectively, for w'ch they shall be Justices of ye peace do w'thin forty dayes after ye publication hereof, assemble & meet together in ye Court houses, for ye Severall & Respective Cittyes & Countyes, or such other place or places as they shall agree upon among themselves, and shall there order y't ye assessors & Collectors for ye Cittys of Newyork & Albany and ye Severall and respective Townes Mannors, or Liberties, within their Severall Jurisdictions for ye assessing Collecting & Receiving of ye publick Rates for ye Defraying of ye publick Charge of each respective Citty & County aforesaid be ye Assessors and Collectors, for ye Assessing Collecting & receiving ye Sum or Sums of mony hereinbefore menconed according to ye proporcons before Expressed, as to ye Said May'rs Aldermen & Justices shall Seem meet & reasonable & for as much as there are Several Towns, Mannors & Jurisdiction w'thin ye respective Countyes aforesaid, who refuse, neglect, or do not Elect annually or once every year assessors or Collectors, whereby ye intent of this Act may be evaded & frustrated, Bee it therefore ENACTED by ye Authority aforesaid That if any of ye respective Townes, Mannors, or Jurisdictions w'thin ye Severall Countyes aforesaid, shall refuse neglect delay or deny to Chose or Elect Assessors & Collectors for the assessing of their Severall & respective Townes, Mannors, and Jurisdictions and for ye Collecting ye Same according to ye true intent, meaning & directions of this Act then and in such Case it shall and may be Lawfull for ye Justices of ye peace or any two of them in ye Counties where Such towns, mannors & Jurisdictions are who are hereby Impowered & authorized to nominate & appoint Assessors & Collectors for Such towns mannors and Jurisdictions, as Shall refuse neglect, delay or deny as aforesaid, w'ch Assessors &

Collectors So nominated & appointed in manner aforesaid shall to all intents & purposes be deemed & Esteemed ye Assessors & Collectors of ye said townes mannors & Jurisdictions and Observe & Execute ye Direccons of this Act. And be it further ENACTED by ye Authority aforesaid That ye said Mayors and Aldermen, ye Justices of ye peace for ye respective Cittyes & Countys, have and Shall have by virtue of this Act full power and authority each of y'm by himself to administer to Such Assessor or Assessors that shall be Elected or nominated and appointed in mannor aforesaid an Oath That they shall well & truely Execute ye office of an Assessor, and well, truly, Equally Impartially and in due proportion Assess, & rate ye Estates of ye Inhabitants Residents Sojourners & ffreeholders, of ye respective places for w'ch they shall be Chosen, Elected, nominated, and appointed assessors according to ye best skill and knowledge and therein they shall Spare no person for favour or affection, or greive any person for hatred or ill will, and ye Said Assessors are hereby required to deliver one Coppy of their Assesm't fairely written and Subscribed by them, unto ye said Justices or to ye office of ye Clerk of ye peace of ye respective County to w'ch they belong. And ye said Justices for each respective County, or any two or more of them are hereby ordered & required to Cause ye said Severall and respective Assessments to them delivered, to be fairely Written and to Signe & Seal Severall Duplicates or Coppies of ye Said Assessment and one of them So Signed and Sealed, forthwith to deliver, or cause to be delivered unto ye respective Collector within ye Severall and respective Citties and Counties aforesaid, and Shall likewise deliver or Cause to be delivered another faire Copy So Signed and Sealed, unto ye Clerk of ye peace of ye respective County to w'ch they shall belong there to be filed, and remain upon Record. And ye Clerk of ye peace of each County is hereby required to transmitt ye Sum of ye Assessment of each Town unto ye Receiver General at New York for the time being within Tenn dayes next and after his receipt thereof under the penalty of five pounds for Such his Default And be it further ENACTED by ye authority aforesaid That if any person or persons, who shall be Chosen, Elected, nominated or appointed, in manner aforesaid, Assessors or Collectors, shall deny, neglect, refuse or delay, or unequally and partially shall Assess, as by this act is required, or shall deny neglect, refuse or delay to Collect any Sum or Sums of mony in form before menconed assesses that then in Such Case it shall and may be Lawfull for any two of his Ma'tys Justices of ye peace of ye Cittys and Countys where Such offenders shall happen to dwell or reside and who

by vertue of this act are required & Impowered to do ye Same by warrant under hand and Seal to Comitt Such Assesors or Collectors, So denying refuseing neglecting or Delaying or unequally and partially assessing or refusing to Collect as aforesaid to ye Comon Goal there to Remaine w'thout Baile or maineprize till he or they Shall make fine & ransom to his ma'ty for Such his Contempt as aforesaid. And upon Such Comittment ye Justices are Speedily required to nominate & appoint other Collectors & Assessors in their Stead and room. And if any person or persons shall Shut their Doores & refuse to pay ye Rates assessed by vertue of this act made & provided whereby this act may Seem to be frustrated Bee it further ENACTED by ye authority aforesaid, That if any person or persons shall neglect or refuse to pay ye Severall Rates and Assessments where with they are Charged by this act of Generall Assembly for or in respect of his and their Goods and Chattles Lands, or Tenem'ts shall be neglected or refused to be paid upon Demand of ye Collectors that shall be Chosen & appointed to receive ye Same, or w'thin tenn dayes next & after ye said Demand it shall & may be Lawfull to and for Such Collectors and they are hereby required, for nonpayment thereof by warrant under ye hand of two Justices of ye peace to distrain ye person or persons So refuseing or neglecting to pay by his or their goods & Chattles, or distrain in or upon ye Messuages, Lands and Tenem'ts So Charged, and ye Goods and Chattles then and there found, & ye Distress So taken, to carry away and ye Same to expose to Sale in ye towne or County where Such Distress is made, & for want of buyers, to carry ye Said Distress to any other place in ye province for ye Sale of ye Said Distress accordingly, for ye paym't of ye said rate or assessm't, and ye Overplus coming by ye said Sale, if any be, over and above ye Charges of takeing and Carrying away ye Said Distress, to be immediately returned to ye owner thereof. And moreover it shall and may be Lawfull to break open in ye day time any house; and upon warrant under ye hands and Seals of any two or more Justices aforesaid, any Chest, Trunck or Box, or other things where Such goods are and call to their Assistance the Constables, or any other persons w'th in ye respective Cittys, Counties, towns mannors and Jurisdiccons where any refusall, neglect or resistance shall be made, w'ch said officers and persons are hereby required to be aiding & assisting in ye p'mises. And be it further ENACTED be ye authority aforesaid That if any Mayor Alderman or Justice of ye peace within this province, who are hereby required, Impowered or Authorized to take Effectuall care that this Act and every Article and Clause therein be duely Executed

according to ye true Intent and meaning thereof shall deny neglect, refuse or delay to do performe fulfill and Execute all and every ye Duties, powers and authorityes by this Act required and Impowered by him or them to be done performed fulfilled and Executed, and shall thereof be Convicted before his Excel the Gov'r and Councill or before any of his Ma'tys Courts of Record within this province, he or they Shall Suffer Such paines by fine and Imprisonment, as by ye Discretion of his said Excel the Gov'r and Councill, and the Justices of ye said Courts shall be adjudged. And be it further Enacted by ye authority aforesaid That if any action bill plaint or Informacon shall be brought moved or prosecuted at any time hereafter against any person or persons for any matter Cause or thing done or acted in pursuance or Execucon of this act Such person or persons So Sued or prosecuted in any Court w'tsoever shall & may plead ye generall Issue, Not guilty and give this act and ye Speciall matter in Evidence And if the plaintiff or Prosecutor shall be nonsuited or forbear further prosecution, or Suffer discontinuance or Verdict to pass against him, ye defendant or Defendants shall recover tribble Costs, for w'ch they shall have ye like Remedy as in Case where Costs by ye Law are given to Defendants provided alwayes, That no may'r Aldermen or Justice of ye peace shall be Sued, prosecuted or molested for any omission offence or neglect by vertue of this Act, but w'thin ye Space of one yeare after such omission offence or neglect, & not at any time hereafter anything herein Contained to ye Contrary hereof in any wise notwithstanding

[CHAPTER 72.]

[Chapter 72, of Livingston & Smith and Van Schaack, where the act is printed in full. Printed in full in Brinley's Bradford, p. 140, 161; Baskett, p. 33. Baskett states that this act was passed by the King, September 5, 1700. See chapters 1098, 1532 Livingston & Smith and Van Schaack state the act was passed May 5th. From the Minutes of the Council, it appears that the act was passed May 16. (See Journals of Legislative Council, p. 143.)]

A Bill for preventing of Trespasses

[Passed, May 16, 1699.]

WHEREAS great Damage and waste is made upon ye Comons and particular freeholders belonging to ye Inhabitants of this province by a number of idle persons who enter upon other persons Estates and cutt downe their timber & carry it away Clandestinely to ye great Losse of ye owners thereof for ye preventing of Such practices for ye future BEE it ENACTED by his Excel & Councill and Representatives Convened in Generall Assembly and it is hereby ENACTED by ye Authority of ye Same that if any person or persons Shall cutt or Carry off

any manner of wood underwood timber poles or trees Standing lyeing or groweing on ye Land w'ch to y'm does not belong but is in ye right and possession of any other or off or from ye Comons of any towne within this province other yn y't to which he doth belong or if within ye Same towne haveing no right or priviledge there without Leave or Lycence from ye major part of ye propriety or ye trustees of Such Comons or ye owner or owners possessor or possessors of ye Lands whereon Such wood underwood timber poles or trees were Standing lyeing or groweing every person So offending Shall forfeit & pay unto ye party or partyes Injured or trespassed upon the Sum of Twenty Shillings Currant money of this province for every tree of one foot over and ye Sume of Six Shillings Currant money aforesaid for every tree or pole under y't bignes and for other wood or underwood the vallue thereof to be recovered by action bill plaint or Information before any Justice of ye peace in ye County where ye offence is Comitted if the forfeiture Exceed not five pounds but if it be above that vallue then before ye Inferior Court of Comon pleas within ye Same County & if any person shall be Convict a Second time of Such offence he shall forfeit and pay to ye uses of ye towne where ye offence is Comitted ye Sum of forty shillings Currant mony aforesaid or Suffer one months Imprisonment over and above ye forfeiture above said or damages to ye parties Injured. AND bee it further ENACTED by ye authority aforesaid That when in action of Trespass brought before a Justice of peace ye Defendant shall Justify and Demurr upon plea of Title a Record shall be made thereof & ye matter of ffact taken pro-Confesso & ye party makeing Such plea shall become bound w'th one or more Suretys by way of Recognizance unto ye adverse party in a reasonable Sum not Exceeding twenty pounds on Condition y't he shall persue his plea & bring forward a Suite for a tryall of his title at ye next Inferior Court of Comon pleas to be holden for ye County in w'ch Such Trespasse is alleadged to be done & pay & Sattisfy Such damages & Costs as by ye said Court shall be awarded against him w'ch Recognizance ye Justice is hereby Impowered to require and take and Shall be paid for ye same by ye Recognizor the Sume of Eighteen pence & for Entring his plea nine pence and at ye Charge also of ye Same party shall Certify ye process & record of Such plea together with ye Recognizance unto ye Said Inferiour Court of Comon pleas. And if Such Recognizor Shall neglect to bring forward Such Suite at ye Inferior Court according to ye tenure of his Recognizance ye default shall be entred in ye Said Court and a writt of Scire facias Shall issue out of ye Clerks office of ye Same Court in manner as by law is directed for ye Recovery of ye Sum or pen-

alty in ye Said Recognizance menconed of him ye Said Recognizor his Surety or Suretys, or if upon tryall before ye Said Court he shall not make out a title to ye Land or Tenem't on w'ch ye trespass is alleadged to be done paramount to ye possession or other title of ye adverse party Judgem't shall be rendered for ye party upon whome ye trespass has been done for treble damages & Costs of Suite But if ye Defendant in trespasse Justifieing on plea of title Shall refuse or neglect to become bound in manner as aforesaid then his plea shall abate and ye Justice notwithstanding ye Same shall proceed to try ye Cause as aforesaid and upon due proof of ye trespasse Comitted by him shall award Damages against him accordingly to what shall be made out & Costs of Suite. And if upon ye opening & pleading of any Action of trespass there be proved any force or Violence and breach of ye peace ye party or partyes guilty thereof Shall be alsoe fined to ye King or otherwise punished as ye Law in Such Cases does provide. Alwayes provided y't ye Citty and County of Albany ye County of Ulster Be Exempted from ye priviledge of this Act any thing herein Contained to ye Contrary hereof notwithstanding

[CHAPTER 73.]

[Chapter 73, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Brinley's Bradford, pp. 132, 153. Title only is printed in Baskett, p. 38. Livingston & Smith and Van Schaack state that the act was passed May 5, 1699. From the Minutes of the Council, it appears that the act was signed by the Governor, May 16, 1699. (See Journals of Legislative Council, p. 143.)]

A Bill for ye raiseing of an Additional Duty for ye defraying ye Debts of ye Goverm't.

[Passed, May 16, 1699.]

THE Representatives Convened in Generall Assembly haveing under their Consideracon how much ye Creditt of ye Goverm't has been Exhausted for ye want of haveing ye Debts of ye Goverm't paid and Sattisfied as in Justice they ought to be & being willing that ye Creditt of ye Governm't should not Sinke but ye Same may be Supported & those who have been forward to Creditt & Assist ye Goverm't upon Sundry Emergencies may be Lawfully recompensed and Sattisfied for such their Service and y't ye Contingent Charge of ye Goverm't may be Sustained have agreed y't ye additional Dutys & Rates hereinafter menconed should be Levyed Collected and paid. And pray that it may be ENACTED Bee it therefore ENACTED by his Excel and Councill and Representatives Convened in Generall Assembly and be it ENACTED by ye Authority of ye Same That

there shall be raised Levyed Collected and paid unto his Ma'ty for and Dureing the Space and terme of two yeares from and after ye publication of this act and no longer the Severall rates and Duties hereinafter menconed over and above all other Duties Charges Impositions rates and Customes by any former Act & Acts Sett Established and Imposed That is to say ye rate duty and Custome of Six p Cent upon all goods wares and merchandize of ye Growth production or manufacture of Europe that shall from and after ye publication hereof be Imported into this province and Dependencies from any other part or place than his ma'tys Kingdome of England Dominion of Wales & town of Barwick upon tweed And also ye rate Duty and Custome of Tenn per Cent upon all woollen manufactures made in our neighbouring Colonies w'ch shall be Imported into this province and Dependencies from and after ye publication hereof And also ye rate and Duty of tenn Shillings Currant mony aforesaid for each pipe of wine, that shall be Imported as aforesaid and So in proportion for a greater & Lesser quantity and the Sume of Thirty Shillings Currant mony aforesaid for each pipe of wine that shall be Imported as aforesaid from any other part or place than ye part and place where the Said wine was made and So in proportion for a greater and Lesser quantity and the Sum of one halfe penny Currant mony aforesaid for each gallon of Rum Imported as aforesaid And ye Sum of two pence Currant mony aforesaid for each gallon of Rum yt shall be Imported as aforesaid from any other part or place than ye part and place where ye Said Rum is made and Distilled And the Sum of three shillings Currant mony aforesaid for each barrell of Beer that shall be Imported as aforesaid, and So in proportion for a greater or lesser quantity And be it further ENACTED by ye authority aforesaid that ye Severall Rates and Duties hereby Imposed on ye goods wares merchandizes and Liquors aforesaid shall be raised Levyed Collected recovered & paid unto his ma'tys Collector and Receiver Generall for ye time being dureing ye terme before menconed in ye Same manner and forme and by Such allowances wayes and meanes and under Such penalties fines and forfeitures as are menconed Expressed and Directed in and by an act of Generall Assembly made in this present Session of Assembly Intitled an Act for granting unto his ma'ty Severall Duties for ye Defraying ye publick Charge of ye Goverm't after ye time Lymitted in an act Confirmeing & Continuing unto their ma'tys ye Revenue Established by an Act of Generall Assembly for defraying ye publick & necessary Charges of ye Goverm't is Expired in as full and ample manner as if ye Same were perticularly recited in this said Act any thing to ye Contrary hereof in any wayes notw'thstanding.

[CHAPTER 74.]

[Chapter 74, of Livingston & Smith and Van Schaack, where the act is printed in full. Printed in full in Brinley's Bradford, p. 129, 150; Baskett, p. 29. Baskett states that this act was confirmed by the King, September 5, 1700. See chapter 94, for another act on the same subject. Livingston & Smith and Van Schaack, state that the act passed May 8. From the Minutes of the Legislative Council, it appears that the act was signed by the Governor, May 16. (See Journals of Legislative Council, p. 143.)]

A bill for ye Regulateing Elections of Representatives in General Assembly in each Respective Citty & County within this province.

[Passed, May 16, 1699.]

WHEREAS of late ye Election of ye Representatives to Serve in Assembly in ye respective Cittys & Countyes of this province have been mannaged with great ourage tumult & Deceit to ye grevious oppresion And Depriveing of ye Subject of his Cheifest Birthright in Chuseing of his Representatives in Assembly for Remedy whereof for ye time to come and y't ye Subject may freely enjoy his undoubted right of Electing his Representatives without Disturbance or molestacon. BEE it ENACTED by his Excel ye Gov'r and Councill & Representatives Convened in Generall Assembly And it is hereby Enacted by ye Authority of ye Same y't ye Representatives of ye Cittyes and Countyes to be Chosen within this province to come to ye Assembly of our Lord ye King in this province hereafter to be holden shall be chosen in every Citty & County & mannor of this province who have right to Choose by people dwelling and resident in ye Same Cittyes Countyes and mannors whereof every one of them shall have Land or Tenem'ts Improved to ye vallue of fforty pounds in free hold free from all Incumbrances & have possessed ye Same three months before ye test of ye said writt & they w'ch Shall be Chosen shall be Dwelling & Resident w'thin ye Same Cittys Countys & mannors & Such as have ye greatest number of y'm who Shall have land or Tenem'ts Improved to ye vallue of forty pounds in ffreehold free from all Incumbrances as aforesaid shall be returned by ye Sherriffs of every Citty Countys & mannors Representatives for ye Assembly by Indenture Sealed betwixt ye Said Sherriffs & ye Said Choosers so to be made & every Sherriff of this province shall be hereby Impowered & have Authority to Examin upon Oath every Such Chooser whether he be qualified by haveing Such an Estate as afores'd to Choose And if any Sheriff shall Returne Representatives to come to ye Assembly Contrary to ye intent of this Act, And

thereof be Convict in ye Supream Court of this province shall incur ye paine & forfeiture of ffifty pounds to ye use of our Lord ye King his heirs & Successors. And ye Representatives returned contrary to this Act shall not be qualified to Sitt in Assembly, and shall loose their wages. And whereas ye ffreeholders & others in their right of Election as also ye persons by y'm Elected to be their Representatives have heretofore been greatly Injured and Abused Now for remedying of ye Same, & preventing ye like for ye future be it further ENACTED by ye authority aforesaid y't when any New Assembly shall at any time hereafter be Sumoned or called there shall by forty days between ye test & Returns of ye Writts of Sumons And y't ye Secretary or Clerk of ye Crown of this province shall Issue out ye writts for ye Election of Representatives to Serve in ye Same Assembly w'th as much Expedition as ye Same may be done, And ye writts shall be Sealed & Delivered to ye respective sherriffs of ye Cittys and Countys aforesaid & that every Such Sherriff upon ye Receipt of ye Same Writt shall upon ye back thereof Indorse ye day he rec'ed ye Same and w'thin Six dayes after he hath rec'ed ye Said Writt of Election shall cause publick notice to be given of ye time & place of Election, And give Six dayes notice at Least of ye day appointed to ye Constable of each towne within his Balywyick to be by ye Said Constables affixed to ye most publick place of each towne as aforesaid for ye Election And bee it further ENACTED by ye Authority aforesaid that neither ye Sherriff or under Sherriff in any Citty or County within this province shall give pay receive or take any ffree Reward or Gratuity w'tsoever for ye makeing out Receipt Delivery return or Execucon of any Such writt or precept. And bee it further ENACTED by ye authority aforesaid that upon every Election to be made of any Representative to Serve in this or any future Assembly ye Sherriff of ye Citty or County where Such Election shall be made shall hold His Court for ye Same Election at ye most publick & usuall place of Election within ye Said Citty or County where ye Same has most usually been made, And in Case ye Said Election be not determined upon ye view with ye Consent of ye Electors there p'sent but y't a poll shall be required for ye Determination thereof yn ye Said Sherriff or in his Absence his under Sherriff with Such others as Shall be Deputed by him shall forthwith there proceed to take ye Said poll in Some open or publick place or places by ye Same Sherriff or his under Sherriff, as aforesaid in his absence or others appointed for ye takeing thereof as aforesaid. And for ye more due & orderly proceeding in ye said poll Said Sherriff or in his Absence his under Sherriff or Such as he shall Depute shall

appoint Such number of Clerks as to him Shall seem meet & Convenient for takeing thereof w'ch Clerks Shall all take ye Said poll in ye presence of ye Said Sherriff or his under Sherriff or such as he shall Depute and before they begin to take ye Said poll every Clerk So appointed Shall by ye Said Sherriff or his under Sherriff as aforesaid be Sworn truely & Indifferently to take ye Same poll and to sett Down ye names of each Elector & ye place of his ffreehold & for whom he shall poll And to poll no Elector who is not sworn if So required by ye Candidates or any of them y'n & there present (w'ch oath of ye said Clerks ye said Sherriff or his under Sherriff or such as he shall Depute are hereby Impowered to Administer) And the Sheriff or in his absence ye under-Sherriff as aforesaid shall appoint for each Candidate Such one person as shall be nominated to him by each Candidate, y'n & there present to be inspectors of every Clerk who Shall be appointed for takeing of ye poll & every Elector before he is admitted to poll at ye Same Election shall if required by ye Candidates or any of them first take ye oath hereinafter menconed w'ch Oath ye said Sherriff by himself or his under Sherriff or Such Sworn Clerk by him appointed for takeing of ye Said poll as aforesaid are hereby authorized to Administer Vizt you shall Sweare y't you are a freeholder for ye County of And have Improved Land or Tenem't to ye vallue of fforty pounds lyeing at within ye said County of ffreehold. And that you have not been before polled at this Election nor have you procured this ffreehold to gaine your Voice in this Election So help you God. And in Case any ffreeholder or any other person takeing ye said oath shall thereby Comit wilfull Corrupt perjury and be thereof Convicted or if any person doe unlawfully or Corruptly procure or subborn any freeholder as aforesaid or other person & shall be thereof Convicted he and they for every Such offence shall Incurr ye like pains and penalties as are in & by one Act of parliam't made in ye ffifth year of ye Reign of ye late Queen Elizabeth Intituled an Act for punishm't of Such persons as shall procure or Comit any willfull perjury ENACTED against all Such who Shall Committ wilfull perjury or Subborn or procure any person to Comitt any unlawfull And Corrupt perjury Contrary to ye said Act And be it further Enacted be ye authority aforesaid that ye said Sherriff or in his absence his under Sherriff or Such as he shall Depute as aforesaid shall at ye Same place of Election proceed to ye polling all ye Elections then and there present And shall not adjourne ye pole then & there held to any other town or place within ye Same County without

ye Consent of ye Candidates then & there present nor Shall by any unnecessary adjournm't in ye Same place of Election protract or delay ye Election but Shall duely & orderly proceed in ye taking of ye Said poll from time to time from day to Day without any further or other adjournm't without ye Consent of ye Candidates then & there present untill all ye Electors then & there present shall be polled & no Longer. And bee it further ENACTED be ye authority aforesaid that every Sherriff under Sherriff or other Deputed by him to whom ye Election shall belong for ye Electing of Representatives to Serve in Assembly Shall forthwith Deliver to such person or persons as shall Desire ye Same a Coppy of ye poll taken at Such Election paying only a Reasonable Charge for writing ye Same. And every Sherriff under Sherriff or other person Deputed by him to whome ye Execucon of any writt or precept for Electing Representatives to Serve in Assembly doth belong for every wilfull offence Contrary to this act Shall forfeit to every party So greived the Sum of Thirty pounds to be rece'd by him or them his or their Executors or Administrators together with full Costs of Suite, and for which he or they may Sue by action of Debt bill plaint or Informacon in any Court of Record in this province where no Essoign protection wager of Law privilege or Imparliance shall be admitted or allowed. And bee it further ENACTED by ye authority aforesaid that no person w'tsoever being under ye age of twenty one yeares Shall at any time hereafter be admitted to give his Vote for Election of any representative or Representatives to Serve in this or any future Assembly. And that no person hereafter shall be Capable of being Elected a Representative to Serve in this or any future Assembly who is not of ye Age of twenty one yeares. And every Election Returne of any person under yt age is hereby declard to be null & void. And if any Such minor hereafter Chosen, shall presume to Sitt or vote in Assembly he shall incurr Such penalties and forfeitures, as if he had presumed to Sitt and vote in Assembly without being Chosen & returned. Alwayes provided that ye ffreemen in ye Corporations of ye Cittyes of New York and Albany have Liberty to vote in their respective Corporacons provided that they have been freemen of ye Said Corporacons and have Actually dwelt there three months before ye last of any Such writt of Election in manner aforesaid shall be issued out any usuage Custome or Law to ye Contrary hereof in any wise notwithstanding and alwayes provided that nothing herein Contained shall be construed to have any Representative of this Assembly of his right of Sitting therein So long as ye Same Shall Continue anything to ye Contrary hereof in any wayes notwithstanding.

[CHAPTER 75.]

[Chapter 75, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Brinley's Bradford, 145, 166. The act does not appear to be in Baskett. Livingston & Smith and Van Schaack, state that the act was passed May 8, 1699. From the Minutes of the Council, it appears that the act was signed by the Governor, May 16, 1699. (See Journals of Legislative Council, p. 143; see chapter 49, expired May 8, 1706.)]

A Bill for Reviveing an Act of Assembly Expired by its owne Limittacon Entitled an Act for ye Regulateing ye retaineing Attorneys at Law.

[Passed, May 16, 1699.]

BEE it ENACTED by his Excel. and Councill & Representatives Convened in Generall Assembly and the authority of ye Same that an Act of Assembly Entitled an Act for ye Regulateing the Retaineing Attorneys at Law which is Expired by the Limittacon therein menconed be Continue abide & remaine in full force and vertue to all Intents and purposes whatsoever and all the Articles & Clauses therein menconed are to abide and Continue in like force and Vertue to all Intents and purposes wt'soever in as full and ample manner for the Space of Seaven yeares next and after the publication hereof as if the Same were particularly recited in this Act any thing therein to the Contrary hereof in any wayes notwithstanding.

[CHAPTER 76.]

[Chapter 75, of Livingston & Smith and Van Schaack where the title only is printed. This act is not printed in Brinley's Bradford or in Baskett, or is any reference made to it. The Commissioners have been unable to discover a copy of the original in the office of the Secretary of State. Livingston & Smith and Van Schaack, say that the act is lost. From the Minutes of the Council of May 10, 1699, it appears that the act was passed by the council on that date and sent to the representatives for their assent. (See Journals of Legislative Council, p. 138.) It does not appear from the Minutes of the Assembly, that the bill ever passed that House, or that it was signed by the Governor. The Commissioners are of opinion that it never became a law.]

An Act for preventing Frauds and Embezzelments, and for the better Regulating and Securing his Majesty's and his Subjects, just Rights to all Drift-Whales, and other royal Fishes, that shall be cast on the Shore, or found floating on the Coasts of this Province.

[Passed, May 10, 1699.]

[CHAPTER 77.]

[Chapter 77, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Brinley's Bradford, p. 145, 166. The act is not printed in Baskett. This act continued chapter 45, and is continued by chapter 127. Livingston & Smith and Van Schaack, state that this act was passed May 10, 1699. From the Minutes of the Council it appears that the act was signed by the Governor May 16, 1699. (See Journals of Legislative Council, p. 143.)]

A Bill for Continueing ye Act for Encourageing ye post office two yeares Longer after ye Expiracon of ye last Act made for Continuance of ye Same

[Passed, May 16, 1699.]

WHEREAS ye Act for Continueing ye Act for Encourageing ye post office did Expire by its owne Limittacon on Some .... day of Aprill —— last and ye advantage w'ch ye Inhabitants of this province dayly have by ye mutuall Correspondence they have w'th their neighbouring Colonies and plantacons & for ye promoteing of trade and wealth of each other Encourageth ye Continuance of ye Same Bee it therefore Enacted by his Excel ye Gov'r & Councill and it is hereby Enacted by ye Authority of ye Same That an Act Entitled an Act for ye Encourageing ye post office which was Continued by another act three yeares Longer than ye time Lymitted in ye Said Act shall be Continue and abide for ye Space of two yeares Longer next & after ye Expiracon of ye time therein Lymitted in full force and Virtue and all ye rates and Sumes of money Establisht by virtue of ye Said Act upon Letters and pacquets that shall be recei'd & dispatcht by ye office and offices Contained in ye said Act shall be paid by ye Space of two yeares next and after ye Expiracon of ye terme Lymitted in ye Said Act According to Such rules & Directions and under Such penalties and forfeiturers as is Contained & Enjoined by ye said Act and ye aforesaid Act Entituled an Act for Encourageing of ye post office and every Article rule and Clause therein menconed shall be abide remaine and Continue in full force and Effect to all Intents and purpose dureing ye said time as fully & in full & ample manner as if ye same were particularly and at Large recited & Sett down in ye body of this Act any thing Conteinued therein to ye Contrary hereof in any wayes notwithstanding.

[CHAPTER 78.]

[Chapter 78, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Brinley's Bradford, pp. 138, 159. Title only is printed in Baskett, p. 39. Livingston & Smith and Van Schaack, state that the act was passed May 11. From the Minutes of the Legislative Council, it appears that the act was signed by the Governor, May 16, 1699. (See Journals of Legislative Council, p. 143.)]

An act to Enable ye City & County of Albany to Defray their necessary Charge.

[Passed, May 16, 1699.]

WHEREAS there was an Act of Generall Assembly made in ye Nineth yeare of his Ma'tys Reign Entituled an Act to Enable the Citty and County of Albany to Defray their necessary Charge for two yeares from the publication thereof, which Act Doth Terminate by its owne Limittacon upon ye first day of July next, and ye Representatives of ye said Citty and County of Albany humbly praying that ye Said Act may be Renewed & Continued for two yeares Longer, after ye Expiracon of ye said Act BEE it therefore ENACTED by his Excellency the Governor & Council & Representatives Convened in Generall Assembly And it is hereby ENACTED by ye authority of ye Same, That ye Imposition or rate of two per Cent shall be raised & Levyed upon all Indian Goods that are brought up to ye Said Citty & County of Albany and there Sold and Consumed and also y't ye Impost of three pence be raised and Levyed upon each Gallon of Rum that is Sold and Consumed within yt Citty and County and for ye due and orderly Collecting of ye respective Imposts and Rates, The treasurer of ye Said Citty for ye time being or any appointed by him & ye May'r of ye said Citty under ye publick Seal of ye Said Citty are hereby Impowered and authorized to appoint Constitute and Establish a Collector or Receiver of ye Rates & Imposts aforesaid who shall have power to receive the Same, & to enter in a faire book kept for y't purpose all Such Sum and Sumes of mony as shall so entred & rece'd for ye respective Dutyes aforesaid ye said Collector or Receiver apointing Certain Convenient times & places for ye keeping of ye office as shall be Directed by ye Court of May'r & Aldermen and Assistants of ye said Citty and all persons that trade & bring up to ye said Citty & County ye aforemenconed Indian goods & Rum are hereby required to make a report of ye quantity & vallue of Such goods & Rum they so bring up & sell, in ye Citty & County aforesaid & pay ye Duties and Imposts hereby Established w'thout being at any further Charge than ye said Duty and in Default hereof it shall

be Lawfull for ye May'r Treasurer or any other officer hereby Authorized to Issue out his or their warrant under his or their hand & Seal for ye Seizing of all Such goods & Rum as shall be Imbezelled & not pay ye Duties aforesaid one third to the Informer, one third to ye s'd Citty & County of Albany and one third to his Excel the Gov'r or Comander in Cheif for ye time being provided that all ye Sum & Sums of mony that are hereby rece'd shall be only appropriated & applyed to ye defraying of ye necessary Charge of ye Citty & County aforesaid and y't the treasurer Collector or Receiver for ye time being Shall not pay any of ye mony rece'd as aforesaid but by warrant from ye May'r of ye said Citty and approved by ye Justices of ye peace of ye said County, provided that this act shall only remaine in force for ye Space of two Yeares & no Longer and to Comence upon the Expiracon of ye former Act any thing Contained herein to ye Contrary hereof notwithstanding.

[CHAPTER 79.]

[Chapter 79, of Livingston & Smith and Van Schaack, where the act is printed in full. Printed in full in Brinley's Bradford, pp. 147,168; Baskett, p. 35. Livingston & Smith and Van Schaack, state that the act was passed May 12, 1699, but from the Minutes of the Council it appears that the act was signed by the Governor, May 16, 1699. Repealed by chapter 126. Livingston & Smith and Van Schaick state that the repealing act was repealed by the Queen and this act was confirmed, June 26, 1708. The portion relating to water pond, repealed by chapter 600. The original of this act is not in the office of the Secretary of State. This copy is made, partly from the enrollment thereof in the State Library, and partly from Brinley's Bradford.]

AN ACT for ye Vacateing Breaking & Annulling several Extravagant Grants of Land made by Coll Fletcher the late Govr of this Province under his Majtie.

[Passed, May 16, 1699.]

Whereas their Excellencies the Lords Justices of England have by their Instructions unto his Excellency the Govr bearing date ye ffourteenth day of 9 Nmber 1698 directed his sd Excellency to use all Legall Means for ye breakeing of extravagant Grants of Land in this province. And whereas there is an Extravagant Grant of Land Sealed wth ye Seale of ye Province made by Coll Fletcher late Govr of this province under his Maty unto Mr Godfrey Dellius bearing date ye 1rst day of Sepember 1696 & registered in the Secreys office Containing a Certaine tract of Land lying upon the east side of Hudsons River between ye Northermost bounds of Saraghtogo and the Rock Rossin Con-

taining about seaventy Miles in Length & goes backwards into ye woods from the sd Hudsons River 12 Miles untill it Comes unto ye wood back and so far as it Goes Bee it 12 miles more or Less from hudsons River in the East Side and from sd Creek by a line 12 Miles Distant from sd River to have & to hold ye sd land & appurtance unto him the sd Godfrey Delius his heires & Assignes for ever under the rent of one raccoon Skinn per Annum. And whereas there is another Extravagant grant of land made as aforesaid unto ye said Godfrey Delius Wm Pinhorne & Evert Bancker &c Sealed also with the Seal of the province bearing Date ye 30th of July 1697, & likewise registred in ye Secretaryes office containing a Certaine tract of vacant Land Lyeing upon Moquas River above a place Comonly known by the Name of Orrakkee begining from a place Called by the Natives Owendiere & runs up along the sd river about 50 Miles more or Less to a place Called Arach Sochne & extending in breadth between the sd places Owendiere & Arach Soghne two Miles on each side of the river as it runns to have & to hold the sd Tract of Land & appurtances unto the sd Godfery Delius, Evert Bancker Wm Pinhorne &c their heires & Assignes for ever under ye reserved rent of one Beaver Skinn for ye first Seaven years & five bear skins yearly forever thereafter [In Brinley's Bradford, Livingston & Smith and Van Schaick the following clause appears at this point, but it is not in the enrolled bill in the State Library:—"That it having appeared before the House of Representatives convened in General Assembly, that Mr. Godfrey Dellius has been a principal instrument in deluding the Mohaque Indians, and illegal and surreptitious obtaining of said Grant, that he ought to be, and is hereby suspended from the exercise of his Ministerial Function in the City and County of Albany."] and whereas there is another extravagant grant of Land Made in Manner aforesaid unto Coll: Nicholas Bayard bearing date the 12th day of December, 1695-6, & registred in ye Secreys Office Containing a Certain Tract of Land Scituate Lyeing & being upon ye Creek comonly called & known by the Name of Skoharee wch runns into ye Maquac River about 24 Miles above Schenechtidey begining at ye Mouth of ye sd Creek from ye Indian feilds Called Jeandarage & extending upwards on both sides of ye sd Creek to ye head or first Spring thereof where it ends at or Near the hill Comonly known by the Name of Kanjearagore the whole being bounded on the North by ye sd Indian feilds of Jeandarage on ye East & west by ye ridge of ye Hills & South by the Hill Kanjearagore & ye same Erected into a Lordpp or Manner by ye Name of ye Manner of Kingsfeild to have & to hold the sd

tract of Land & Lordpp & Manner unto him ye sd Nicholas Bayard his heires & Assignes forever under the reserved rent of one Otter Skinn p Annum. And whereas there is another Extravagant Grant of Land Made in Maner aforesd unto Capt John Evano' bearing date the 20th Day of Sepmr. 1694 Registred in the Secreys office Containing all that tract & percell of Land scituate lyeing & being upon the west side of Hudsons River begining from the South side of ye Land Called the Palse now inhabited by frenchmen & extending thence Sotherly along the sd Hudsons river to ye land belonging to ye Indians at the Murderers kill & extending westward to the ffoot of the high hill's called Pitkiskaker &Aiaskawasting thence extending southerly all along ye sd Hills & the river pekadasank to a water pond lyeing upon the sd Hills Called Merclary Comprehending all those lands Meadows & woods called Nescatonck Chavangen Memorasinck kakagh getawan annuck and Gillatawagh & all & every of them & ye Same erected into the Mannor or Lordpp of ffletcherdon to have & to hold the said tract of Land & mannor off ffletcherdon wth appurtances unto ye sd John Evans his Heirs & Assignes forever under ye rent reserved of one fat buck per annum & whereas there is one other Extravagant grant of Land made in Manner aforesaid unto ye sd John Evans bearing date ye 9th day of August 1694 registered in the Sec'rys office containing a Certain Swamp & ffresh pond called ye ffresh water & adjacent to ye Kings ffarm formerly Called the Dukes farm on ye Island Manhattens beginning at a Stake set in ye ground [the remainder of this act is copied from Brinley's Bradford. The enrollment thereof in the State Library ends at this point.] on the south side of the said Pond, and at the north east corner of the Land belonging to William Merrit, thence it rangeth along the south side of the said Swamp and Pond by the upland, to the Beech, on the east side of Hudsons River, so along the Beech to the upland, thence crossing a small gut of said Swamp to the Land on the east side thereof thence by the said Land, as it runs, to the east side of the Tanyard, and thence to the place where it begun. To have and to hold the said certain Swamp and Pond and Appurtenances unto him the said John Evans his Heirs and Assigns forever, under the yearly reserved Rent of one Pepper Corn. And whereas there is another extravagant Grant of the Kings Farm, in manner aforesaid, being a Lease or Demise of the said Farm unto the Church-wardens and Vestrymen of Trinity Church for seven years from the date thereof, being the 19th of August 1697. Registered in the Secretary's Office, To have and to hold the said Farm and Appurtenances into the said Church-wardens and Vestry-men of Trinity Church,

their Succesors and Assigns, for the term of seven years from the date aforesaid, until the said term of seven years be fully ended, under the yearly reserved Rent of sixty Bushels of Wheat. And whereas there is another extravagant Grant of Land out of the Kings Garden, in manner aforesaid, unto Coll. Caleb Heathcote, bearing date the 2d of April, 1696, and registered in the Secretary's Office, containing a certain Lot or Toft of Ground lying without the Stockadoes of the City of New-York, near adjoyning to the Locust Trees, which were formerly part of the Kings Garden, containing in breadth forty one foot, & in length fifty foot. To have and to hold the said Lot or Toft of Ground unto him the said Caleb Heathcote, his Heirs and Assigns forever, under the yearly reserved Rent of one Shilling. And whereas there is another extravagant Grant of Land out of the said Kings Garden, in manner aforesaid, & of the date aforesaid, unto the said Caleb Heathcote, being a Demise or Lease of another part of the said Kings Garden for the Term of forty one years, which lies vacant and unimproved being bounded by the Stockadoes or Fence of the said Garden so far as the said Garden, in the reer, does extend, and from the said Fence of Stockadoes so far into Hudsons River as low Water-Mark, To have and to hold the said other part of the said Garden unto the said Caleb Heathcote his Heirs and Assigns, for the said term of forty one years from the date of the said Demise, under the yearly Rent reserved of four Shillings.

And whereas it does appear unto his said Excellency and Council that all and every of the above-recited several and respective Grants and Demises of Land and Premises, to all and every the Person and Persons aforesaid, their respective Heirs, Successors and Assigns, are in fact and deed absolutely extravagant Grants issued by the said Coll. Fletcher, late Governour of this Province under his Majesty, contrary to and against the Trust reposed in him by his said Majesty, and are extravagant Grants according to the true intent, meaning and Construction of their Excellencies the Lords Justices of England said Instructions, and as such ought to be broke, vacated, annulled and made of none effect forever. Be it therefore Enacted by his Excellency the Governour and Council, and Representatives convened in General Assembly, and it is hereby Enacted by the Authority of the same. That all and every of the several and Respective extravagant Grants of Land and Premises, granted, demised and sealed, in manner aforesaid and heretofore recited and mentioned, within all and every of their several and respective limits and bonds afore-mentioned, & expressed are hereby brake, vacated and forever annulled, and of none effect, And all and every the

afore-recited Grants and Demises, in manner aforesaid, for all and every the several and respective Tracts & Parcells of Land, Farms and Garden, with Appurtenances within all and every of their several and respective limits and bounds aforesaid. And all the Lordships, Mannors, Jurisdictions, Powers Authorities, Rights, Benefits, Profits, Advantages belonging unto them or either of them shall forever hereafter cease, determine and become null and void, and of none effect, to all intents, purposes and constructions whatsoever, as if no such Grants Demises and Registers of the same in the Secretarys Office had ever been done. And they the aforesaid Grantees, Lessees, and every of them, their and every of their Heirs Successors and Assigns are forever hereafter divested of any Right, Title, or Claim unto the same, or unto any part or parcel thereof within the several and respective Limits aforesaid, any Law to the contrary hereof in anywise notwithstanding. And his Majesty is hereby fully and immediately Re-seized & Repossessed of all and every of the before granted and demised Premises, in as full and ample maner as if the same had never been granted and demised.

And be it further Enacted by the Authority aforesaid, That all and every of the Grants & Demises for the several and respective Tracts of Lands, Swamps, Farms and Gardens, as aforesaid, which are Registered in the Secretary's Office, shall upon the Publication hereof be obliterated, razed, defaced, and the Memory or Record of all and every of the aforesaid Grants shall be reduced into Oblivion and Forgetfulness, as if no such Grants had ever been made or registered in the said Office, any thing to the contrary hereof in any wise notwithstanding. And to the intent that it may not be in the Power of any of his Majesties Governours or Commanders in chief, for the time being hereafter, to make for the future any such extravagant Grants of Land, as aforesaid, Be it further Enacted by the Authority aforesaid, That it shall not be in the Power of any of his Majesties Governours or Commanders in chief, which shall hereafter be Governours or Commanders in cheif of this Province under his Majesty, his Heirs and Successors to grant or demise for any longer than for his time in the Government, any of the Lands hereafter mentioned, that is to say, Natten-Island, The Kings Farm, the Kings Garden, The Swamp and Fresh Water, as they are now limited and bounded, being the Denizen of his Majesties Fort at New-York, and for the benefit and accomodation of his Majesties Governours and Commanders in chief for the time being; and if any such Grants or Demises for the future shall be made longer than for the time afore-mentioned, than all and every of such Grants shall, ipso facto become null and void, and of no

use to all intents and purposes whatsoever, any Law, Custom or Usage to the contrary hereof in any wayes notwithstanding. Saving to the City of New-York the Right they have to the Fresh Water, and Lands to low Water Mark behind the Kings Garden.

[CHAPTER 80.]

[Chapter 80, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Brinley's Bradford, p. 126, 147. Title only is printed in Baskett, p. 39. Livingston & Smith state that the act was passed May 12, 1699, but from the Minutes of the Council, it appears that the act was signed by the Governor, May 16, 1699. (See Journals of Legislative Council, p. 143.) This act expired May 12, 1701, and is further provided for by chapter 87.]

A Bill for preventing Soldiers Listed in his Ma'tys Service in this Province of New York from deserting his Ma'tys Said Service

[Passed, May 16, 1699.]

Forasmuch as Sundry of his ma'tys Soldiers in his Garrisons of New York & Albany have absented themselves & Deserted ye said Garrisons of New York & Albany for ye prevention of ye like for ye future Bee it therefore ENACTED by ye Gov'r & Council & Representatives Convened in General Assembly, and by ye authority of ye Same, that w'tsoever Soldier that is now listed in his Ma'tys Service for ye Security of this province as aforesaid or hereafter shall be Listed, That shall Desert or forsake ye said Service without leave first obtained from ye Gov'r Lieu't Gov'r or Commander in Cheif for ye time being under his hand & Seal Shall Suffer ye pains of Death according to ye tennure of an Act of parliam't passed in his Ma'tys Kingdom of England Entituled an Act for punishing officers &Soldiers who shall mutiny or Desert their ma'tys Service and for punishing false musters, & to ye end y't none of ye Inhabitants within this province shall knowingly harbour Receive entertaine or in any manner of way be helping, Aiding, assisting, or incouraging to any of his Ma'tys Soldiers listed as aforesaid to desert his Ma'tys said Service. Bee it further ENACTED by ye authority aforesaid that whatsoever persons Inhabiteing, residing, or Sojourning within this province shall after publication hereof knowingly receive, harbour, Entertaine, or Conceal any of his Ma'tys Soldiers listed as aforesaid, who shall desert his Ma'tys Service without leave obtained as aforesaid in their houses, Barnes, Stables, or any other Concealed places in any part of this province w'thin THREE miles of York Albany or any other

Garrison or place where any number of Such Soldiers shall be hereafter posted or shall be in any manner of way be aiding, helping, assisting, or Encourageing to any of ye Said Soldiers to desert his Ma'tys Service or be any ways helpfull to Carry any of the Said Soldiers out of this Province Either by Ships, Barque Sloop, Vessel Boate Cannoe horse or any other way Shall for each Such offence pay or forfeit the Sume of twenty pounds Currant money of this province to be Recovered by Bill plaint or Informacon in any Court of Record within this province where no Essoign protection or Wager of Law shall be allowed one halfe whereof to our Soveraigne Lord the King his heires and Successors to be Imployed for ye Keeping ye said Companies Compleatly full & ye other halfe to ye Informer or he y't shall Sue for the Same. And if it shall so happen that any person or persons as aforesaid that shall be Convicted of any of the aforesaid Offences & hath not Goods and Chattles Lands or Tenements for ye Satisfieing the forfeiture aforesaid shall be Severely whipt upon his naked back according to the Discretion & Direction of y't Court of Record where ye prosecution shall be made, provided they do not Exceed ye number of fourty Lashes Save one, and shall likewise be Listed in ye Company where such Deserters was and there Serve untill Some other Sufficient person be Listed in his Room to make ye said Company so Compleat, as it was before such Desertion happened. And to ye end that all Such as shall Desert, his Ma'tys Service as aforesaid may be taken up & brought to their Respective officers. Bee it further ENACTED by ye authority aforesaid that whatsoever person or persons that shall Discover any Soldier Listed in his Ma'tys Service as aforesaid that are absenting themselves or Deserting the Said Service & bring ye said Soldiers unto his Ma'tys Garrison of New york or Albany shall have for his Reward five pounds Currant money aforesaid over & above ye Charges he shall Expend in Bringing him to his Ma'tys said Garrison of New york or Albany and in the doing whereof all his Ma'tys Justices of ye peace Sherriffs, under Sherriffs, Constables & all others of his Ma'tys officers both Civill & military are hereby required to be Aiding and Assisting both in ye Discovery and bringing of such Deserters to his Ma'tys Garrisons of New-york or Albany as aforesaid Provided that nothing Contained in this bill shall Continue or remaine in force Longer than two yeares next and after ye publication hereof any thing Contained herein to ye Contrary hereof in any ways not w'thstanding.

[CHAPTER 81.]

[Chapter 81, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Brinley's Bradford, p. 119, 140. Title only is printed in Baskett, p. 38. The original act is not in the office of the Secretary of State, nor among the enrolled laws in the State Library. The act as here printed was copied from Brinley's Bradford, pp. 119, 140. Livingston & Smith and Van Schaack, state that the act was passed May 15, 1699, but from the Minutes of the Council, it appears that the act was signed by the Governor, May 16, 1699. (See chapter 121.)]

An Act for Granting unto his Majesty Several Duties for the defraying the publick Charge of the Government after the time limitted in an Act, entituled, AN Act Confirming and Continuing unto their Majesties the Revenue Established by an Act of General Assembly for Defraying the Publick and Necessary Charge of the Government, is expired.

[Passed, May 15, 1699.]

WHEREAS the Act of Assembly, entituled An Act confirming and continuing unto their Majesties the Revenue established by an Act of General Assembly made in the fourth Year of their Majesties Reign, for defraying the Publick and Necessary Charges of the Government, five years longer than the Term therein mentioned, doth expire by its own Limitation upon the 18th day of MAY, which shall be in the year of our Lord 1700. And Whereas the great Happiness which hath attended this Province since his Majesties auspicious Reign, doth call for the grateful Acknowledgment of all the good Subjects of this his Majesties Province, for so great a blessing, which by the goodness of Almighty God this and all his Majesties Kingdoms, and other Dominions, do enjoy under his gracious and vigilent Government. In most humble sence whereof, the Representatives convened in General Assembly, having also in their Consideration the extraordinary Care which his Majesty hath at all times taken for the Safety and Welfare of this Province; and being willing to give such fresh Demonstrations and Assurances of their constant and unshaken Loyalty, and most dutiful Affections unto his most Excellent Majesty, do therefore freely and heartily give and grant unto his most Excellent Majesty, for and during the time, term and space of six years, from and after the 18th day of MAY, which shall be in the year of our Lord 1700 the Rates, Duties, Excise and Sums of Money herein after mentioned, for the defraying the necessary Charge of the Government. And do must humbly pray that it may be

Enacted and be it therefore Enacted by his Excellency, the Governour, and Council, and Representatives convened in General Assembly. AND IT IS HEREBY ENACTED BY THE AUTHORITY OF THE SAME. That there shall be raised, levyed, collected paid and satisfied unto his Majesty for the time, term and space of six years, from and after the said 18th day of May, which shall be in the year of our Lord 1700. for the use aforesaid, the Rates, Duties, Impositions & Excise upon the Goods, Wares, Merchandizes, Furs, Wines and other Liquors herein after mentioned, in manner and Form following, that is to say.

For every Gallon of Rum, Brandy and Distilled Liquors, that shall be Imported into this Province, and Dependencies aforesaid, the Sum of FOUR PENCE current Money, of this Province, And for every Pipe of Madera, Malmsey, Fyal, St. Georges, Passedo, Canary Mallego, Sherry and all other sort of sweet Wines, the Sum of Forty Shillings, current Money aforesaid; and so in proportion for greater and smaller Quantities Imported as aforesaid. And for every Hogshead of Red, White and Rhenish Wines the Sum of Twenty Shillings current Money aforesaid and so in Proportion for all greater and smaller Quantities. Imported as aforesaid. And upon all other Merchandizes imported into this Province and Dependencies aforesaid, the Sum of Forty Shillings, current Money aforesaid, for every hundred Pounds prime cost, except these hereafter specified, viz. Salt, Brick, Pantiles, Coles, Fish, Sugar, Mallosses, Cotton, Wool, Ginger, Log-wood-Brazilletto, Fustick, or any other sort of Dying Wood, West India Hides, Tobacco, Bullion, Plate, Cocco, Pork, Oyl, Tar, Flax, Soap, Candles, Tallow, Cheese, Butter, Beef, Whale-bone, Hops, Apples, Pears, Syder, Fire wood, Plank, Boards, Pipe Staves, Timber, Peltry, Beaver. Sheeps Wool, Onions, Dressed & Undressed Deer Skins, Honey, Bees Wax, Bay Wax, Indian Corn, Wheat, Barley, Rye, Pease, or any other sort of Grain, or any other thing of the Growth & Production of our Neighbouring Collonies and Plantations in America.

And be it further Enacted by the Authority aforesaid, That there be also given and granted unto his said Majesty, for the intent aforesaid, upon all Merchandize commonly called by the Name of Indian Goods, as Duffils, red, blew, and black, Strounds, Blankets, Plains, half thicks, Woolen Stockins, White Ozenbrugs, Mellish Kettles, Hatchets, Hoes, Red Lead, Vermillion, Cotton, Red Kersies, Knives, Indian Habbardasherry, & other Indian Goods, the Sum of Five Pounds current Money aforesaid, for every hundred Pounds prime cost, which shall be imported into this Province and Dependencies, aforesaid, over and above the

Forty Shillings for every hundred Pounds prime Cost before given and granted unto his Majesty, by this present Act; and that the Value of the prime Cost, shall be at the Rates hereafter mentioned, viz., Indian Duffils to be valued at two Shillings & four Pence per yard, Indian Strouds, half a piece, four Pounds, a whole piece eight Pounds; Indian Blankets, each piece four Pounds, Indian plain Cotten, eighteen pence per yard; half Thicks two Shillings and two pence per yard, Indian white Ozenbrugs Mellish, the English Ell eight Pence, Indian Kettles, under eight Gallons, six Pounds per hundred weight; Indian Hatchets, twelve Shillings per dozen; Indian Hoes, twelve shillings per dozen; Red Lead, twenty Shillings per hundred weight; Vermillion, four Shillings per pound, Cotton sixteen pence per yard; Red Kersies, two shillings six pence per yard; Knives, three shillings per dozen; Indian Shirts, twenty shillings per dozen; Indian Drawing Knives, Looking Glasses, Indian Wooden Combs, Indian Beads, Tobacco in Rolls, Indian Bells, Scissars, Jews Harps, Indian Points, Drills, Tobacco Pipes, little painted Boxes, Awls, Sword Blades, Copper Tobacco Boxes, Tincey Lace, Indian Gimp Lace, Needles, Tobacco Tongs, Indian Powder Horns, Indian woollen Stockins, and Indian Steels, the Sum of six Pounds current Money aforesaid, over and above the Two per Cent, aforesaid, for every hundred Pounds value at prime Cost.

And be it further Enacted by the Authority aforesaid, That there be also given and granted unto his Majesty, for the intent aforesaid, for every Barrel of Powder six Shillings, for every hundred Pounds of Lead, six Shillings for every Gun with or without a Lock, six Shillings that shall be carryed up Hudson's River in any Vessel Sloop or Canow, or by any other way whatsoever.

And be it further Enacted by the Authority aforesaid, That there be also given and granted unto his said Majesty, for the purpose aforesaid, the Duty of Excise upon all Liquors retailed throughout the Province and Dependencies aforesaid, under the Quantity of five Gallons, the sum of twelve Pence, current Money aforesaid, for each Gallon so retailed (Beer and Syder only excepted) and likewise the sum of six shillings for each Barrel of Beer and Syder sold by Retail through out this Province.

And it is further Enacted by the Authority aforesaid, That there be given and granted, and there is hereby further given and granted unto his said Majesty, for the Use aforesaid, a Rate and Duty upon the Furs and Peltry, hereafter mentioned, that shall be exported out of this Province and Dependencies, that is to say, For every Beaver Skin, commonly called a whole Beaver, the sum

of Nine Pence, currant Money aforesaid; and that all other Furs and Peltry be rated accordingly, (that is to say) For two half Beavers the sum of 9d. current Money aforesaid; for four Laps, 9d. for three Drillings, 18d. for ten Raccoons 9d. for four Foxes 9d. for four Fishers 9d for five Cats 9d. for six Minks 9d. for one Otter 6d. for two Bear skins 9d. for twenty four Musk Rats 9d. for ten Martins 9d. for every twenty four pounds of Deer and Muse skins 9d. and for every Ox, Cow and Bull Hide slaughtered in this Province and Dependencies, 6d. And all other Peltry to be valued to a whole Beaver, 9d.

And for the due and orderly collecting of the aforesaid Rates, Duties and Excise, and also for preventing of Frauds and Imbezilments of the said Rates, Duties and Excise, Be it further Enacted by the Authority aforesaid, That all Ships and Vessels whatsoever, that shall come to any Port, Creek or Harbour within this Province and Dependencies, to trade or traffick, the Master, Mate or Purser shall come to such place or places as shall be appointed by the Governour, for the time being, and there make Report of all such parcel or parcels of Merchandize, or other things, that he or they have on board such the said Ship or Vessel, and also declare upon their corporal Oathes, That he or they have not broke bulk since his arrival within this Province, before he or they made such Report, as aforesaid. And also, all Merchants that have any Goods or Merchandize on board such Ship or Vessel, as aforesaid shall at such place or places as is above directed, make a true and distinct Entry of all such parcel or parcels of Goods or Merchandize he hath on board such Ship or Vessel, according to the prime cost. And if any Difference shall arise about the Value of the said Goods, his Majesties Collectors, for the time being, is hereby authorized to administer to all or any such person or persons, making such Entry, their corporal Oath, That the said Entry is according to the Invoice or Invoices sent to them from the place or places from whence such Goods or Merchandize did come.

And it is further Enacted by the Authority aforesaid, That if any Master, Mate or Purser of any Ship or Vessel whatsoever, or any Merchant, Factor, or other, shall, contrary to these Rules above directed, break Bulk or land any Goods or Merchandize whatsoever, before he or they make Report or Entry, and pay such Duties as is required by this Act, then and in such case the Master of such Ship or Vessel, that shall break Bulk before making such Report, as aforesaid, shall upon proof made thereof by two sufficient and lawful Witnesses, forfeit his said Ship or Vessel, with all her Tackle, Furniture, & Ammunition, one third

to his Majesty, one third unto the Governour, and one third unto the Informer, to be sued for in any Court of Record within this Province, by Bill, Plaint or Information, wherein no Essoyn, Protection or Wager of Law shall be allowed. And also, all such Goods as shall be landed without Entry made, as aforesaid, shall be in like manner forfeited, one third unto his Majesty, one third to the Governour, and one third to the Informer, to be sued as aforesaid.

And be it further Enacted by the Authority aforesaïd, That all Masters of Ships or Vessels that are within this Province, and do not belong unto the same, or any part thereof, and bound to any part within or without this Province, shall, before they take any Merchandize, above expressed, come to such place or places as shall be appointed for the Collecting the Rates & Duties established by this Act, and there make their Entry and Report of their Design, and enter into Bond, to the value of one Thousand Pounds, current Money of New York, with sufficient Sureties, that they shall not take on board directly or indirectly, any Goods or Merchandize afore recited and expressed, without such permit or Certificate from the Collector, or any having authority under him, for the same. And if they do take on board any Goods or Merchandize afore recited and expressed contrary to the true intent and meaning of this Act, then they shall forfeit their Bonds, to be sued within three Months after such fact committed, or otherwise to be void, and of no force and virtue.

And all Masters of Ships, Sloops, Boats, or any other Vessel belonging to this Province, and its Dependencies, shall once in the year repair to the Custom-house, or to other place or places, that shall be appointed for that purpose, and there enter into Bond, to the value of One Hundred Pounds current Money aforesaid, that they shall not directly or indirectly take on board and carry out of this Province, any of the aforesaid Goods and Merchandize, without first making Entry thereof, and paying such Rates and Duties as are before recited and expressed; and if they do take on board any of the aforesaid Goods and Merchandize, without making Entry thereof, or paying of the Rates and Duties aforesaid, then the said Bond shall be forfeited.

And for the due and orderly Collecting of all Duties of Excise hereby given and granted, Be it further Enacted by the Authority aforesaid, That all Retailers of Wine, Rum, Brandy, or any other strong Liquors, within this Province or Dependencies, shall, upon their purchase and receipt of all such Liquor or Liquors, before expressed and exciseable, come to the Office or Offices of the

Excise, and there, or with him make Entry of all such Liquor or Liquors as they shall buy or receive, and pay such Duties as are hereby appointed, within twenty four hours, or at such convenient time as the Officer of Excise shall appoint; and on Default thereof, all such Liquors as shall be found in any Retailers House, or Ware-house, Cellar, or other place belonging unto him, within this Province or Dependencies, and have not been duely entered, and paid the Duties of Excise, as aforesaid, then and in such case, upon Conviction by Oath of one or more credible Witnesses, before any Justice of the Peace within this Province & Dependencies, the said Retailer or Retailers so offending in the premises shall forfeit all such Liquors & three times the value thereof, one third to his Majesty, one third to the Governor, and one third to the Informer who shall prosecute the same before any Justice of the Peace throughout this Province and Dependencies, who are hereby Authorized and Impowered to hear and determine the same, and if need be, to issue out their Warrant for the seizing and condemning of all such Liquors forfeited as aforesaid, and for committing to Goal all such Retailers of Liquors who have not entered and paid the Duties of Excise in manner aforesaid, there to remain without Bail or Main prize until they shall satisfie and make payment of three times the value of such Liquors seized and forfeited as aforesaid. Provided, That he or they have liberty to appeal to the next Sessions of the Peace, giving Security to answer the same.

And be it further Enacted by Authority aforesaid, That if any Person or Persons within this Province & Dependencies, not being duly licensed, shall at any time here after presume to sell by Retail any the liquors aforesaid that is to say, a less quantity, at one time than five Gallons, the Persons so offending shall forfeit and pay the sum on five Pounds, current Money aforesaid, for every such Offence, being thereof convict by the Oath of one or more credible Witnesses, to be sued as aforesaid before any Justice of the Peace throughout the Province, and to be imployed in such manner and proportion as aforesaid.

Alwayes provided, and it is the true intent and meaning of this Act, That no Retailers of Liquors, under five Gallons, or any other that shall sell any Liquor or Strong Liquors, shall take any such Liquor into their Houses, Cellers or Ware-houses, or into any other place belonging unto them, in New-York and Albany, but by the hands of the sworn Porters, under the Penalty aforesaid, to be sued and recovered, for the Uses aforesaid, in manner and form aforesaid. Alwayes provided, and it is hereby understood, That there shall no Duty be paid, nor forfeiture made upon any Goods or Merchandize that are not sold or landed

within this Province and Dependencies. Always provided, That all Merchants qualified to Trade, by Acts of Navigation and Regulating the Plantation Trade, coming into this Province, or any part thereof, be well and honestly treated and demeaned for such things as by this Act is granted, without Oppression to be done to them, paying the Duties aforesaid.

[CHAPTER 82.]

[Chapter 82, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Brinley's Bradford, pp. 137, 158. Title only is printed in Baskett, p. 39.]

A Bill for ye Enabling ye Citty of New Yorke to pay their Debts & to Erect & repair their publick buildings & defray their necessary and publick Charge.

[Passed, May 16, 1699.]

WHEREAS ye Citty of New york by reason of ye Excessive Charge they have been at dureing ye late Warr is become Considerably in Debt, and their Citty hall and fferry house are fallen into Such a Decay as there is an absolute necessity for ye rebuilding of ye Same, as well as other necessary and public buildings for ye good weal and accomodation of ye said Citty. To ye end therefore y't ye said Citty of New York may be ye better enabled to Erect a new Citty hall rebuild their ferry house and other necessary publick buildings in ye said Citty and pay their Just Debts and defray the other Contingent publick Charge of ye same Bee it therefore Enacted by his Excel & Councill & Representatives Convened in Generall Assembly And it is hereby ENACTED by ye Authority of ye Same that ye May'r Recorder Aldermen & Assistants of ye Said Citty for ye time being or ye Major part of them whereof ye May'r or Recorder of ye Said Citty to be one shall yearly in ye week before ye feast day St. Michael ye Archangel Elect & appoint Six good and Sufficient Cittyzens inhabiting within ye Said Citty who shall be called ye overseers of ye publick works and buildings of ye Said Citty & they or any three of them by and with ye Consent of ye May'r or Recorder Aldermen & Assistants of ye Said City are hereby authorized Impowered & Enabled annually and once every year at the time aforesaid to raise a reasonable tax upon all & every ye Inhabitants freeholders and Sojourners within the Said Citty towards ye Erecting a new Citty hall rebuilding their fferry house & ye other necessary publick buildings in ye said Citty as well as for pay-

.ng their Just Debts and defraying ye other Contingent publick Charge of ye said Citty. And for ye better raiseing & Levying ye said Taxe for ye uses aforesaid, BEE it further ENACTED by ye authority aforesaid That ye May'r or Recorder Aldermen & Assistants of ye said Citty or ye Major part of them, whereof ye May'r or Recorder of ye said Citty to be one with ye overseers So to be nominated as aforesaid or any three of them shall meet together at least once in every three months at ye Citty hall of ye said Citty or Such other place as ye May'r shall appoint and there to Consider how much mony will be needfull to be raised for one year for ye defraying of ye Charge as aforesaid & ye Estimate thereof they shall cause to be particularly expressed in writing that is to say the particular Sum or Sums that they shall Judge needfull for ye Erecting a new Citty hall, & So respectively for all Such other buildings Debts & necessary Charge w'ch shall be needfull to be Imployed for one Year w'ch Sums & Sums of mony so particularized & Estimated as aforesaid shall be by ye Assessors of ye said Citty equally and proportionably assessed upon ye reall & personal Estates of all and every ye Inhabitants freeholders & Sojourners w'thin ye Said Citty for one year for ye purposes aforesaid w'ch being allowed and Confirmed by ye Mayo'r or Recorder or any two or more of ye Aldermen of ye Said Citty Shall be Collected by ye respective Collectors of ye Said Citty and quarterly paid by every Respective Inhabitant freeholder or Sojourner within ye Same Citty upon Demand made thereof by ye respective Collectors aforesaid appointed to gather and Collect ye Same and in Case of Refusall or neglect of any person or persons paying of ye Sume they Shall be so assessed when thereunto demanded as aforesaid Then it shall be Lawfull by warrant of ye May'r or Recorder and any one or more of ye Aldermen of ye Said Citty under their hands and Seales to Cause Levy the Sum So assessed by distress and Sale of ye offenders goods all w'ch Sum or Sumes of mony Collected paid and Levyed as aforesaid shall be paid unto ye Treasurer of ye Said Citty quarterly and there shall remaine untill ye Same be ordered for ye purposes aforesaid by order of ye Comon Councill of ye Said Citty by warrant under ye hand & Seal of ye May'r And Bee it further ENACTED by ye authority aforesaid That if ye May'r or Recorder Aldermen & Assistants shall refuse delay or neglect to nominate and appoint overseers yearly as is before appointed that then each of them shall loose & forfeit for every Such Default the Sume of ffive pounds Currant mony of New york to be Imployed for ye relief of ye poore of ye said Citty, and to be Levyed by distresse on their goods by warrant from

ye generall quarter Sessions of ye peace of ye said Citty, And if any overseers assessor or Collector shall refuse neglect or delay to Serve & Execute ye respective Duties before menconed & required shall for each Default that Shall happen Loose and forfeit ye Sume of ffive pounds Currant mony aforesaid to be Levyed by distresse & Imployed as aforesaid by warrant under ye hand & Seal of ye May'r or Recorder and any two of ye Aldermen of ye said Citty Provided that this act nor nothing herein Contained shall Continue or remaine Longer in fforce than ye space and terme of three yeares next and after ye publication hereof.

[CHAPTER 83.]

[Chapter 83, of Livingston & Smith and Van Schaack, where the act is printed in full. Printed in full in Brinley's Bradford, p. 139, 160; Baskett, p. 32, states that this act was confirmed by the King, September 5, 1700.]

A Bill to Enable ye Respective Townes within this province to build & repair their meeting houses & other publick buildings

[Passed, May 16, 1699.]

WHEREAS ye Severall & respective Townes within this province are at a great Loss for want of publick buildings for ye worship and Service of God as well as for other necessary publick Services, To ye end therefore that each respective Town within this province may be Enabled to Erect publick buildings for ye worship of God & other publick Services Bee it ENACTED by his Excel & Councill and Representatives Convened in Generall Assembly & it is hereby Enacted by ye Authority of ye Same that ye Trustees of each respective Towne within this province or Such other persons who Shall be yearly Elected by ye major part of ye ffreeholders of each respective Towns within this province shall be hereby Impowered annually or once a year to make a yearely rate either for ye Erecting of a publick Edifice or Church for ye worship & Service of God where ye Same is wanting or for any other publick buildings towne houses & Joales for ye publick Service of ye Town w'ch rate shall be laid upon all & every ye ffreeholders Inhabitants & Sojourners in each respective town aforesaid. According to Such manner & in Such form as ye other publick rates are Established for ye defraying ye publick Charges of each respective County w'thin this province, And ye assessors & Collectors of ye respective Townes aforesaid are hereby required to Execute their Dutys accordingly and if any person or persons within any of ye said respective townes who shall be rated

assessed as aforesaid shall refuse to pay or Contribute their proportion So rated & Assessed then it shall be Lawfull for ye Collector of ye said town where such refusall shall happen to Levy ye Same by distresse upon ye goods & Chattels of y'm or him So offending by warrant under ye hand & seale of ye Justice of ye peace of ye towne where ye offence shall be And all and every ye publick rates hereby Established shall by ye Trustees or Such other persons who shall be yearly Elected by ye maj'r part of ye ffreeholders as aforesaid be only Imployed to ye buildings & repairing of ye Said publick Edifices & buildings & to no other use purpose or Intent w'tsoever any thing to ye Contrary hereof in any wise notwithstanding Provided & be it Enacted by ye authority aforesaid y't ye precinct of Bridge Hampton comonly called Sagaboneck & Mecoxe within ye Towne of Southampton shall for ever hereafter be Esteemed a Distinct Parish from ye Said Towne of Southampton and have and Injoy all ye privileges & Benefits of a distinct parish for ye building and Erecting of a publick Edifice with its appurtenances for ye publick Service of God according to ye true Intent & meaning of this Act and they are hereby Impowered & Authorized to Lay rates upon their respective ffreeholders Inhabitants & Sojourners within ye Said precincts of Bridghampton in as full & ample manner as if ye said precinct were a Separate & Distinct Town within this province anything Contained in ye Grant of Southampton to ye Contrary hereof in any wayes notwithstanding.

THE SEVENTH ASSEMBLY.

Second Session.

(Begun July 25, 1700, 12 Wm. III, Richard, Earl of Bellamont, Governor.)

[CHAPTER 84.] —

[Chapter 84, of Livingston & Smith and Van Schaack, where the act is printed in full. Printed in full in Brinley's Bradford, pp. 154, 175; Baskett, p. 41. Livingston & Smith and Van Schaack, state that the act was passed July 31, 1700. The portion of the original containing the date of passage and signature of the Governor is torn off, but from the Minutes of the Council, it appears that the act was signed by the Governor, August 9, 1700. (See Journals of Legislative Council, p. 149.) Confirmed by the Queen, May 20, 1708. (See Fowler's Bradford, p. CXXXVIII.)]

An act against Jesuits & popish preists

[Passed, August 9, 1700.]

WHEREAS divers Jesuits preists and popish missionaries have of late, come and for Some time have had their residence in the remote parts of this Province and other his ma'tys adjacent

Colonies, who by their wicked and Subtle Insinuations Industriously Labour to Debauch Seduce and w'thdraw the Indians from their due obedience unto his most Sacred ma'ty and to Excite and Stir them up to Sedition Rebellion and open Hostility against his ma'tys Goverm't for prevention whereof Bee it Enacted by his Excel the Gov'r Council and Representatives Convened in Generall Assembly and it is hereby Enacted by the Authority of the Same, That all and every Jesuit and Seminary Preist missionary or other Spirituall or Ecclesiasticall person made or ordained by any Authority power or Jurisdicon derived Challenged or p'tended from the Pope or See of Rome now resideing w'th in this province or any part thereof shall depart from and out of the Same at or before the first day of November next in this present year Seaventeen hundred. And be it further Enacted by the authority aforesaid, That all and every Jesuit Seminary Preist Missionary or other Spirituall or Ecclesiasticall person made or Ordained by any Authority power or Jurisdiction derived Challenged or p'tended from the pope or See of Rome or that shall profess himself or otherwise appear to be Such by preaching & teaching of others to Say any popish prayers by Celebrating masses granting of absolutions or using any other of the Romish Ceremonies & Rites of worship by what name title or degree So ever such person shall be called or known who shall Continue abide remaine or come into this province or any part thereof after ye first day of November aforesaid shall be deemed and Accounted an incendiary and disturber of the publick peace and Safety and an Enemy to the true Christian Religion and shal be adjudged to Suffer perpetuall Imprisonm't and if any person being So Sentenced and actually Imprisoned shall break prison and make his Escape and be afterwards retaken he shall Suffer such paines of Death penalties and forfeitures as in Cases of ffelony. And it is further Enacted by the authority aforesaid, That every person that shall wittingly and willingly receive, harbour, Conceale aid Succour and releive any Jesuit preist missionary or other Ecclesiastical person of the Romish Clergy knowing him to be Such and be thereof lawfully Convicted before any of his ma'tys Courts of Records w'th in this Province w'ch Courts are hereby Impowered and Authorized to hear try and Determine the Same he shall forfeit the Sum of two hundred pounds Currant mony of this Province one half to his Maty for and towards the Support of the Goverm't and the other half to the Informer who shall sue for ye Same in any Court of Record w'thin this province wherein no Essoyn protection or wager of Law shall be allowed and Such person shall be further punished by being Set in ye

pillory on three Severall dayes and also be bound to the good behaviour at the discretion of the Court. And be it further Enacted by the Authority aforesaid That it shall and may be Lawfull to and for every Justice of the peace to cause any person or persons Suspected of being a Jesuit, Seminary Preist or of the Romish Clergy to be apprehended & Convented before himself & Some other of his ma'tys Justices and if Such person do not give Sattisfactory acco't of himself he shall be Committed to prison in order to a Tryall also it shall and may be Lawfull to and for any person or persons to app'rehend w'thout a warrant any Jesuit Seminary preist or other of the Romish Clergy as aforesaid and to Convent him before ye Gov'r or any two of the Council to be Examined and Imprisoned in order to a Tryall unless he give a Sattisfactory acco't of himself and as it will be Esteemed and accepted as a good Service don for ye King by the person who shall Seiz & apprehend any Jesuit Preist missionary or Romish Ecclesiactick as aforesaid So the Gov'r of this province for ye time being w'th ye advice & Consent of the Council may Suitably reward him as they think fitt. Provided this act shall not Extend, or be Construed to Extend unto any of the Romish Clergy, who shall happen to be Shipwrackt, or thro' other adversity shall be cast on shoure or driven into this province, So as he Continue or abide no Longer w'thin ye Same than untill he may have opportunity of passage for his Departure So also as Such person Immediately upon his arrivall shall forthw'th attend ye Gov'r if near to ye place of his Residence or otherwise on one or more of ye Council or next Justices of the peace, & acquaint y'm w'th his Circumstances & observe ye Direccons w'ch they shall give him during his stay in ye province.

[CHAPTER 85.]

[Chapter 85, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Brinley's Bradford, p. 152, 173. Title only is printed in Baskett, p. 43. Livingston & Smith and Van Schaack, state that the act was passed August 8, 1700. From the original it appears to have been signed by the Governor, August 9, 1700. This act was continued by chapter 111.]

An Act for Appointing & Enabling Com'rs to Examine & take & State ye publick acco'ts of this Province.

[Passed, August 9, 1700.]

WHEREAS this Province in the late long Warr have been at great Expence of blood and Treasure for the defence thereof and whereas some persons pretend great Sumes of mony yet to remaine unpaid and that the funds granted in generall Assem-

bly have been not Sufficient to defray the Same Therefore for the better knowledge Examinacon & Stating the acco'ts of the receits Issued & distribucons of the publick Revenue of this province and Such Taxes raised & Imposed upon the people thereof by acts of General Assembly for the Defence of this Province in the late Warr w'ch ye ffrench and their Indians and other the Incident Charges thereof as well in the said time of warr as also at any time Since Bee it Enacted by his Excel and Councill & Representatives Convened in General assembly, & it is hereby Enacted by the authority aforesaid That Leonard Lewis Esq'r Abra: Governeur Esq'r Speaker of the Honble House of Representatives of the province of New york Rip Van Dam, of the Citty of New York merchant, & Cornelius Sebring Esq'r and David Provoost Esq'r shall be and are hereby Constituted Com'rs for Examining takeing and Stateing of the acco'ts of all mony of the said publick Revenue of this province and all the acco'ts of taxes Subsidies or aids granted unto the late King Charles the Second and the late King James the Second his Ma'ty and the late Queen Mary of happy Memory and Since to his Ma'ty from and after the arrival of Col. Thomas Dongan late Gov'r of this province untill the begining of this present Sessions of ye Generall Assembly. And Bee it further Enacted by the authority aforesaid that the said Com'rs or any three of them are hereby Impowered from time to time to Issue forth their warrant under their hands and Seales to order the Collector or Receiver General or the Com'rs for Executing the office of Collector and Receiver General of this province for the time being ordering them to lay before them the acco'ts of the publick Revenue and all the acco'ts of taxes Subsidies or aids granted unto the late King Charles the Second ye late King James the Second unto his Ma'ty & the late Queen Mary (of happy Memory) and Since to his Ma'ty from and after the arrival of Col Thomas Dongan late Gov'r of this province untill the begining of this present Sessions of the Generall Assembly togetherw'th ye acco'ts of the Issues and distribucons of the Same and every part thereof to any person or persons whatsoever or for what use or uses Soever. And be it further Enacted by the authority aforesaid that the Com'rs or any three or more of them are hereby ordered to make return of their proceedings hereon the first day of the next Sessions of the Generall Assembly unto the House of Representatives to the end Such further Consideracon may be had in the Assembly of the matters aforesaid as for the peace and welfare of this province shall be thought Convenient. And be it further Enacted by the Authority aforesaid that All & every the Com'rs aforesaid shall take ye Oath hereinafter menconed before the Gov'r of this pro-

vince for the time being, Vizt I, A: B: do Sweare that according to the best of my Skill and knowledge I shall faithfully Impartially and truely without favour or affection to any Demean my Self in takeing Stateing and Examining all the publick acco'ts of this province brought and to be brought before me, in Execucon of an act Entituled an act appointing Com'rs to Examin to take and State the publick acco'ts of this Governm't according to the tenure and purport of the said Act So help me God. And Bee it further ENACTED by the Authority aforesaid that the said Com'rs shall have Such Sallaryes for and Concerning their trouble in the matter aforesaid as to the Generall Assembly of this province att their next Sessions shall Seem meet. Provided that this act and every Clause therein Contained Shall be of force untill the first day of the next Sessions of Generall Assembly and no longer anything to the Contrary thereof in this act Contained in any wise notwithstanding.

[CHAPTER 86.]

[Chapter 86, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Brinley's Bradford, p. 151, 172. Title only is printed in Baskett, p. 43. Livingston & Smith and Van Schaack, state that the act was passed August 8, 1700, but the original law appears to have been signed by the Governor August 9, 1700. Repealed by chapter 91.]

An Act for ye better Secureing ye five Nations of Indians in their ffidelity to his Mat'y.

[Passed, August 9, 1700.]

WHEREAS nothing can more Contribute to ye Safety of this Province than ye ffidelity & ffriendship of ye five Nations of Indians. And Whereas the said Indians have by Reiterated instances to his Excel the Gov'r desired ye building of a ffort amongst them w'ch being thought necessary by ye Representatives in Gener'l Assembly. Bee it therefore ENACTED by his Excel the Gov'r Council & Representatives now in Gener'l Assembly Convened and it is hereby Enacted by the Authority of the Same That ye Sume of one thousand pounds Currant mony of this province be raised and Levyed in Such way & manner as is hereinafter Exprest for & towards the speedy Erecting building & finishing a ffort amongst ye Indians in Such Convenient part of ye County as by his Excel ye Gov'r by & w'th ye advice of the managers hereinafter named for ye Security of the Indians shall be thought fitt. And be it further Enacted by ye Authority aforesaid that for ye Satisfying & paying the Sum of One thousand pounds aforesaid that there shall be raised Levyed Col-

lected & paid unto his Ma'ty for and Dureing ye Space & Term of one year from & after ye publicacon of this act & no longer ye Severall Rates and Duties hereinafter menconed over & above all other Dutyes Charges Impositions rates & Customes by any former Act and Acts Set Established and Imposed (That is to Say) the rate and Duty of Twenty five shillings Currant mony of this province for each Pipe of Wine that from and after the publicacon hereof shall dureing ye Term aforesaid be Imported into this province or its Dependencies and so proportionable for a greater or lesser quantity two pence half penny on each gall. of Rum Imported as aforesaid the sum of two per Cent to be on ye first Cost of all European goods Imported as aforesaid the Sum of Twenty shillings on each hh'd of Molasses Imported as aforesaid the Sum of three pence on every Empty Barrel Imported as aforesaid the Sum of Two pence on every Empty half barrel Imported as aforesaid the Sum of Three Shillings on each Barrell of Sider Imported as aforesaid, the Sum of Twenty shillings for every ton of Logwood Imported as aforesaid and the Sum of Six pence on each half Barrel of fflower that shall be Exported out of this province to be paid by the Exporter. And be it further Enacted by the authority aforesaid that ye Severall rates and Dutyes hereby Imposed on ye goods wares Merchandizes and Liquors aforesaid, shall be raised Levyed Collected recovered and paid unto his Matys Collector & Receiver Generall or to ye Com'rs for Executing ye office of Collector & Receiver Generall of this province for the time being dureing the terme before menconed in ye Same manner and forme and by Such wayes and meanes and under Such penalties fines and forfeitures as are menconed Expressed and Directed in and by an Act of Generall Assembly made in the Eleaventh year of his ma'tys Reigne Entituled an Act for Granting unto his Maty Severall Dutyes for the defraying the publick Charge of the Governm't after ye time Lymitted in an Act Confirming & Continuing unto their Ma'tys the Revenue Establisht by an Act of Generall Assembly for defraying the publick and necessary charge of the Governm't is Expired in as full and ample manner as if the Same were particularly recited in this Said act anything to the Contrary hereof in any wayes notwithstanding. And be it further Enacted by ye Authority aforesaid Hendrick Hansen John Bleeker & Peter Van Burgh Esq'rs bee & are hereby appointed to be managers of the building Erecting & finishing Said ffort and providing materialls for ye Same in Such way & manner as by his Excel the Gov'r by and w'th ye advice of said managers shall be from time to time thought fitt. And bee it further Enacted by the Authority aforesaid that ye Col. or Receiver Generall of this province or

ye Com'r of the Custome of this province for ye time being be and are hereby required to keep a particular book of all the Duties & Rates Accruing & paid by Virtue of this act. And that ye Said Receiver Gener'l or the Com'rs for Executing ye office of Colector and Receiver Generall of this province shall every three months Send up to ye managers aforesaid the Sum or Sumes of mony w'ch he or they have rece'd by vertue of this Act untill the said Sum of one thousand pounds shall be paid unto them & if any Surplusage remaines over or above the one thousand pounds aforesaid in his or their hands the Same is to be disposed of as by ye Generall Assembly shall be thought Convenient And bee it further Enacted that whatever Sum or Sumes of mony shall be paid for any materialls or workmen or any other matter relating to said ffort shall be by warrant from his Excel the Gov'r by and w'th advice of the managers or any two of them aforesaid

THE SEVENTH ASSEMBLY.

Third Session,

(Begun Oct. 2, 1700, 12 Wm. III, Richard, Earl of Bellamont, Governor.)

[CHAPTER 87.]

[Chapter 87, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Brinley's Bradford, pp. 157, 180. Title only is printed in Baskett, p. 43. The original of this act is not in the office of the Secretary of State. The copy here printed is made from the enrollment thereof in the State Library. Livingston & Smith and Van Schaack, state that the act was passed October 27, 1700. From the Minutes of the Council, it appears that this act was signed by the Governor, October 26, 1700. (See Journals of Legislative Council, p. 153.)]

An Act for punishing Officers and Souldiers who shall Mutiny or Desert his Majesties Service and to prevent their being harboured and Concealed by the Inhabitants of this province, and to Incourage the Seizing and Securing such as shall desert his Majties Service for the future.

[Passed, October 26, 1700.]

Whereas his most sacred Majesty out of his Royall and tender care of the preservation and Security of this province hath with great Expence been pleased to send over and maintain a body of Troops born on his Majesties pay with their proper officers. And whereas it will be allways necessary that a Competent force should be constantly kept on foot for the defence of this province, which is a ffrontier to the rest of his Majesties Planta-

tions on this Continent of America, and that the forces which now are, or hereafter shall be in his Majesties pay within this province, should be kept in due discipline of war; And Whereas no man may be forejudged of Life or Limb or subjected to any kind of punishment by Martiall Law or in any other manner than by the Judgment of his Peers, and according to the known and Established Laws of England and this province Yet nevertheless it being Requisite for the Retaining such forces as allready are, or hereafter shall be Established in his Majesties pay within this province in their duty, and that an Exact Discipline be observed, and that Souldiers who shall Mutiny or stir up Sedition, or shall Desert his Majesties Service be brought to a more examplary and speedy punishment than the usuall forms of Law will allow Be it therefore Enacted by his Excellency the Governor and Councill and Representatives Convened in Generall Assembly, and is is hereby Enacted by the authority of the same, That from and after the publication of this act, every person being in his Majties Service mustered, and in his Majties pay as an Officer or Souldier, who shall at any time hereafter Excite cause or joyn in any Mutiny or Sedition in any Garrison Citty Town or place within this province where they shall be posted, or shall Desert his Majties Service in the same shall suffer Death, or such other punishment as by a Court Marshall shall be Inflicted And it is hereby further Enacted and Declared by the authority aforesaid that the Governor or Comander in chief of this province for the time being shall and may by virtue of this Act have full power and Authority to grant Comissions under the Seale of this province to such persons as are herein named and appointed from time to time to call Assemble and Authorize Court Marshalls for punishing such offenders as aforesaid. And it is hereby further Enacted and declared that no Court Marshall which shall have power to Inflict any punishment by virtue of this act for the offences aforesaid shall Consist, of Lesse Number than seaven, four whereof to be Members of his Majties Councill of this province, whereof his Majties Chief Justice of the said province for the time being allwayes to be one, and the rest of the said Number of Seaven to Consist of the chief Military Officers who Comand the Established fforces aforesaid under the Governor or Comander in Chief for the time being, and the place for holding the said Court Marshall to be where the Governor or Comander in Chief shall appoint and Direct And be it further Enacted by the authority aforesaid, That such Court-Marshall shall have power and authority to Administer an oath to any Wittnesses in order to the Examination or Tryall of the Offences aforesaid Provided allways that nothing in this act Conteined shall Extend to be Construed to

Exempt any Officer or Souldier whatsoever from the ordinary processe of Law. Provided allways that this Act nor any thing herein Conteined shall Extend, or be any ways Construed to Concern any of the Militia forces in this province or Detachment of the same And Provided allways and be it Enacted that in all Tryalls of Offenders by Court Martiall to be held by virtue of Act where the offences may be punished by death every person present at such tryall before any proceedings be had thereupon shall take an oath upon the Evangelist in open Court before the Governor or Comander in Chief for the time being or whome he shall authorize and appoint to administer the same in these words (that is to say) You shall well and truly try and determine between our Soveraigne Lord the King and the Prisoner to be tryed so help you God. And no Sentence of Death shall be given against any Offender in such case by any Court Marshall unlesse five or more of the seaven persons shall concurr therein, by which majority of five or more so sworn as aforesaid the Judgment shall pass and no proceedings tryall or Sentence of Death shall be had or given against any Offender but between the hours of Eight in the morning and one in the afternoon And be it further Enacted And it is hereby Enacted by the authority aforesaid That the Governor or Comander in Chief for the time being have, and are hereby authorized and Impowered to nominate authorize and appoint a fitt person to be Judge Advocate with all other necessary inferior Officers proper for such Court Marshall as aforesaid And be it further Enacted by the authority aforesaid That whatsoever person or persons Inhabiting Residing or Sojourning within this province shall after publication hereof knowingly Receive, harbour, Entertain or Conceale any of his Majesties Souldiers who shall Desert his Majesties Service in their houses barns Stables or any other concealed places in any part of this province or shall be in any manner of way ayding helping, Advising Assisting or Incouraging to any of the said Souldiers to desert his Majesties Service, or be any ways helping to carry any of the said Souldiers out of this province either by Ship, Barke, Sloop, Vessell, Boat, Canoa, horse or any other way, shall for each such offence pay or forfiet the sume of Twenty pounds Currant money of this province to be Recovered by bill plaint or Information in any Court of Record within this province where no Essoign Protection or wager of Law shall be allowed, one half whereof to the poor of the parish where the offence is comitted and the other half to the Informer or him that shall sue for the same, which said Courts are hereby Impowered and authorized to hear try and determine the same; and that if it shall happen that any per-

son or persons as aforesaid that shall be Convicted of any of the aforesaid Offences, and hath not Chattells Lands Goods or Tenements for sattisffying the forfietures aforesaid shall be Severely whiped upon his naked back according to the Discretion and direction of that Court of Record where the prosecution shall be made, provided they do not Exceed the Number of fforty Lashes save one, And to the End that all such as shall Desert his Majesties Service aforesaid may be taken up and brought to their Respective Officers Be it further Enacted by the authority aforesaid, That whatsoever person or persons that shall discover any Souldier Listed in his Majties Service as aforesaid that are absenting themselves or deserting the said service, and bring the said Souldiers unto his Majesties Garrisons of New York or Albany or any other Garrison in this province, and in the doing whereof all his Majties Justices of the peace, Sheriffs, Undersheriffs, Constables, and all other his Majties officers both Civill and Military are hereby Required to be aiding and Assisting both in the Discovery and bringing of such Deserters to his Majties Garrisons of New York and Albany or any other in this province as aforesaid And be it further Enacted by the authority aforesaid that if any persons shall knowingly buy or Exchange or otherwise receive any arms Clothes or Accoutrements belonging to the King from any Souldier or Deserter upon any account or pretence whatsoever, the person so offending shall forfiet for every such offence Tenn pounds, and being Convicted thereof at the Quarter sessions the same shall be Levied by distresse by warrant under the hands of two or more Justices of the peace, upon the goods and Chattles of such offender one moyety thereof to be payd to the Informer, and the other Moyety to the poor of the parish where such Offender shall Reside, And if any person so prosecuted for harbouring Concealing or Assisting a Deserter or for buying Exchanging or Receiveing Arms Cloaths or Accoutrements shall be found not guilty he shall Recover Treble Costs, to be Recovered as Costs in any other Case, where by the Said Costs are given to Defendants And be it further Enacted by the authority aforesaid that upon the Publication of this act, an Act of Generall Assembly of this province made in the Eleaventh year of his Majties Reigne, Intituled an Act for preventing Souldiers Listed in his Majesties Service in this province of New York from deserting his Majesties Service be and is hereby Repealed Reversed Vacated and become null and voyd and of none Effect & the sd act & all the Articles & Clauses therein mentioned are hereby declared to be repealed reversed vacated & become null voyd & of none effect to all Intents Constructions and purposes whatsoever any thing Conteined in the said Act to the contrary

hereof in any wise notwithstanding. Provided that this act and Every clause therein conteined shall only be of force for the time of Three yeares from and after the publication hereof any thing to the contrary hereof in this act conteined in any wise notwithstanding.

[CHAPTER 88.]

[Chapter 88, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Brinley's Bradford, pp. 190 (183); Baskett, p. 42. The original of this act is not in the office of the Secretary of State. The copy here printed was made from the enrollment thereof in the State Library. This act expired October 29, 1705. Revived by chapter 197. Livingston & Smith say that the act was passed October 29, 1700, but from the Minutes of the Council it appears to have been signed by the Governor, November 2, 1700. (See Journal of Legislative Council, p. 155.)]

An Act for the Incouraging of Seamen.

[Passed, November 2, 1700.]

Bee it Enacted by the Governor and Councill and Representatives Convened in Generall Assembly, That whatsoever Tavern-keeper Alehouse-keeper Victualler or Victuallers with the City and County of New York, that shall Trust or Creditt any Seaman belonging to any ship or Vessell that is in, or shall hereafter come into the Road or harbour of the said City for any sum of money above the sum of six shillings Currant money of this province shall loose the same, and no writt or process shall go out against any Seaman as aforesaid at the suit of any Tavern keeper, Alehouse keeper or Victualler within the City aforesaid and County for any greater sum than six shillings as aforesaid, Except he be Master of some ship or Vessell. And if any Tavern-keeper, Alehouse-keeper or Victualler within the said City, shall trust or give Creditt to any Seaman that is out of Service for any greater sume than Twelve pence, p day, so long as he shall be out of Service, shall likewise loose the same, and no writt or process shall go out against any Seaman at the suit of any Tavern-keeper or Alehouse-keeper within the said City and County for any greater sum than the proportion of twelve pence p diem dureing the time he shall be out of service, Except a Master of a Ship or Vessell as aforesaid. And if any Clark of the Courts of Record within the said City and County shall issue any writts against any Seamen Circumstanced as aforesaid contrary to the Intent and meaning of this Act shall for his offence forfiet the sume of ffive pounds Currant money of this province to be recovered before the Mayor or Recorder or any two of his Majties Justices of the peace of the said City and County the one half to the use of the poor of the said City, and the other half to the Informer or him who shall sue for the

same without further appeale. And all Masters of Vessells trading to and from the said City shall within fforty Eight houres after his or their arrivall bring unto the Town Clark of the said City, a list of the names of all such Seamen as he did Import or belong to his and their Vessells and the same cause to be Registred in the Office of the said Town Clerk who shall take no greater Reward for the same than one shilling Currant money aforesaid. Provided that this act shall not continue in force longer than five yeares after the publication hereof.

[CHAPTER 89.]

[Chapter 89, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Brinley's, Bradford, p. 191, 184. Title only is printed in Baskett, p. 43. The orignal of this act is not in the office of the Secretary of State. The copy here printed was made from the enrollment thereof in the State Library. This act expired October 29, 1705. Livingston & Smith state that this act was passed October 29, 1700. From the Minutes of the Council, it appears to have been signed by the Governor, November 2, 1700. (See Journal of Legislative Council, p. 155.)]

An Act for the Incouraging the brewing of Beer and making of Malt within this province.

[Passed, November 2, 1700.]

Whereas the Representatives of this province now in Generall Assembly Convened do find that the Brewing of Beer and making of Malt is greatly Discouraged within this province by reason of the great Quantities of Beer and Malt dayly imported to the great Discouragement of the trade and Manufacture of the same, Now to the End that the Inhabitants of this province may be Incouraged in the brewing of beer and making of Malt Be it Enacted and it is hereby Enacted by his Excellency the Governor and Councill and Representatives now in Generall Assembly convened, and by the authority of the same, that the following rates and duties be paid unto his Majesty his heires and Successors for and towards the Support of the Government and the Contingent charges thereof from and dureing the time and Terme of ffive yeares Comencing from and after the first day of January next ensuing the publication of this act (that is to say) the sume of Nine shillings Currant money of this province on each Barrill of beer imported into this province from any of his Majesties plantations in America and so proportionably for a greater or Lesser Quantity and the sume of one shilling Currant money aforesaid for each Bushell of Malt imported from any of his Majesties plantations in America as aforesaid and so proportionably for a greater or Lesser Quantity and Be it Enacted by the authority aforesaid That the rates and duties

aforementioned be Levyed Collected and payd in such manner and under such regulations and Distributions and upon such ffines and fforfietures as is declared in and by one Act of Assembly Intituled An Act for granting unto his Majesty severall duties for the defraying the publick Charge of the Goverment after the time Limitted in an Act Confirming and Continuing unto their Majesties the Revenue Established by an Act of Generall Assembly for defraying the publick Charges of the Goverment is Expired to all intents Constructions and purposes whatsoever as if the said act and every clause therein conteined had been in these presents particularly mentioned and Expressed any Law usage or Custom to the contrary hereof in any ways notwithstanding.

[CHAPTER 90.]

[Chapter 90, of Livingston & Smith and Van Schaack, where the act is printed in full. Printed in full in Brinley's Bradford, pp. 191, 184. Title only is printed in Baskett, p. 43. Baskett states that the act was repealed February 11, 1702. (See chapter 36.) The original of this act is not in the office of the Secretary of State. This copy is made from the enrollment thereof in the State Library. Livingston & Smith and Van Schaack, state that this act was passed October 29, 1700. From the Minutes of the Council, however, it appears to have been signed by the Governor, November 2, 1700. (See Journal of Legislative Council, p. 155.)]

An Act for Declaring the Town of East-chester, in the County of Westchester, A Distinct Parish from the Town of West-chester in the County aforesaid.

[Passed, November 2, 1700.]

WHEREAS by an Act of the General Assembly of this Province, Entituled, An Act for settling a Ministry and raising a Maintenance for them in the City of New York County of Richmond, West-chester and Queens county, it is among other things declared and Enacted, that the Towns of Westchester East-chester, Lower Yonckers, the Mannor of Pelham in the County of Westchester, should be a Parish together, for the better maintaining of a good and sufficient Protestant Minister. And whereas since the making of said Act, it has been found Inconvenient, and to the great discouragement of Religion and the publick worship of God, for the Inhabitants of East-chester to travel to West-chester aforesaid, to be present at the Preaching of the Word of God, wherefore the said Inhabitants and Freeholders of the Town of East-chester, aforesaid, have by their humble Petition to the House of Representatives now conven'd in General Assembly, most humbly pray'd that it might

be declared and Enacted, and be it declared and Enacted by his Excellency, the Governour and Council, and Representatives now conven'd in General Assembly, and by the Authority of the same, That the said Town of East-chester in the County of Westchester, be from henceforth and for ever hereafter, seperated from the Parish of Westchester, Eastchester, Lower Yonkers and the Mannor of Pelham, to all intents constructions and purposes whatsoever, the said Act Entituled, AN Act for setling the Ministry and raising a Maintenance for them in the City of New York, County of Richmond, Westchester, and Queens County, or any other Act to the contrary hereof, in any ways notwithstanding.

And be it further Enacted by the Authority aforesaid; That the said Town of Eastchester in the County of Westchester, Be and is hereby declared to be and remain forever a Distinct Parish from the Parish of Westchester, Eastchester, Lower Yonkers & the Mannor of Pelham, by the name and style of the Parish of Eastchester in the County of Westchester, Provided that the Freeholders and Inhabitants thereof do maintain a good orthodox Protestant Minister in the said Town of Eastchester, any Law, Usage or Custom to the contrary hereof in any ways notwithstanding.

[CHAPTER 90a.]

[This act does not appear in Livingston & Smith, or Van Schaack. The title only is printed in Brinley's Bradford, pp. 191, 184. An act of the same title was signed by the Governor, August 9, 1700, which Livingston & Smith evidently considered to be indentical with this act. The Minutes of the Council, however, for November 2, 1700, indicate that a distinct act of this title was signed by the Governor on that date. (See Journals of Legislative Council, p. 155.) The original of this act, is not in the office of the Secretary of State. This copy is made from the enrollment thereof in the State Library.]

An act for appointing and enabling Commissioners to examine, take and state the publick Accounts of this province.

[Passed, November 2, 1700.]

WHEREAS this province in the late long warr have been at great Expence of blood and treasure for the defence thereof, and whereas some persons p'tend great sums of money yett to remain unpayd, and that the funds granted in Generall Assembly have been not sufficient to defray the same. Therefore for the better knowledge Examination and stating the accounts of the Receipts Issued and Disbursements of the publick Revenue of this province and such taxes raised and imposed upon the people thereof by acts of the Generall Assembly for the Defence of this province in the late warr with the ffrench and their Indians, and other

the Incidentall Charges thereof, as well in the said time of warr as also at any time since AND WHEREAS the Commissioners appointed by an act of Generall Assembly Entituled an Act for appointing and Enabling Commissioners to Examine take and State the publick Acounts of this province have acording to the direccons of the said act proceeded in the Examining and Stating the publick Accounts of this province, and Reported the same unto the house of Representatives now in Generall Assembly Convened, and upon Consideration HAD OF the same that the said act Expired by its own Limitation on the first day of this present sessions of Generall Assembly BE IT ENACTED by his Excellency the Governor and Councill and Representatives convened in General Assembly, and it is hereby Enacted by the authority aforesaid that Leonard Lewis Esq: Abraham Gouverneur Esq. Speaker of the hon'ble house of Representatives of this province of New york Rip van Dam of the City of New York Merchant, Cornelius Sebering Esqr: and David Provoost junior Esqr: shall be and are hereby Constituted Comissioners for Examining takeing and stating the accounts of all mony of the said public Revenue of this province, and all the accounts of Taxes Subsidies or aides granted unto the late King Charles the second and the late King James the second his p'sent Majesty and the late Queen Mary of happy memory, and since to his Majesty from and after the arrivall of Collonel Thomas Dongan late Governor of this province untill the first day of October of this present yeare seaventeen hundred, and of all Embezillments and Concealments of goods and moneys seized and forfeited to the Kings Majestey by any penalty Law or Statute. AND BE IT FURTHER ENACTED by the authority aforesaid that the said Comissioners or any three or more of them are hereby Impowered to Issue forth their warrants under their hands and seales to order the Collector or Receiver Generall of this province, or the Comissioners for executing the office of Collector and Receiver Generall of this province for the time being to lay before them the accounts of the publick Revenue and all the accounts of Taxes Subsidies or aids granted unto the late King Charles the late king James the second, unto, his Majesty and the late Queen Mary of happy memory, and since to his Majesty from and after the arrivall of Coll. Thomas Dongan late Governor of this province untill the beginning of this present Sessions of the Generall Assembly, together with the accounts of the Issues and Distributions of the same, and every part thereof to any person or persons whatsoever or for what use or uses soever AND BE IT FURTHER ENACTED by the authority aforesaid that the said Commissioners or any three or more of them have power to give publick notice to all persons that can give them any light in the

matter of the Accounts or any Relating therto to the end they may know every man's pretension and to send for Records and papers thereto relating, and that they the said Comissioners or any three or more of them be hereby fully impowered and Authorized at certain days and times to cause to come before them or any three or more of them all such person or persons concerned in having had any part of the publick money, and to lay before them the accounts for which they had or P'tend the certain sumes of money, and also all persons suspected to have been any ways concerned in the Embezilling or Concealing any goods or moneys seized or forfeited to the King's Majesty by any penall Law or Statute in this province, and to Examine them upon oath to the same or to all or any Articles thereof, and that if they or any of them do refuse to give such account on oaths as aforesaid that the said Comissioners or any three or more of them do desire the Governor of this province by writing under their hands to comitt such person or persons to Goale without Baile or Mainprize in the City or County where such person or persons shall Reside untill he or they give such accounts and swear as aforesaid, or pay and refund the sume of money he she or they refuse to swear to. AND BE IT FURTHER ENACTED by the authority aforesaid That all and Every the Comissioners aforesaid shall take the oath hereafter mentioned before the Governor of this province for the time being Vizt; I A: B: do swear that according to the best of my skill and knowledge, I shall faithfully impartially and truly without favour or affection to any demean my self in Stating and Examining all the publick accounts of this province brought and to be brought before me in Execution of an Act Intituled an Act appointing Commissioners to Examine take and state the publick Accounts of this Goverment according to the tenor and purport of the said act. So help me God. PROVIDED that this act and every Clause therein Contained shall be of force for one whole yeare next after the publication hereof and from thence untill the first day of the next Session of General Assembly and no longer, any thing to the contrary hereof in this act contained in any wise notwithstanding. AND BE IT FURTHER ENACTED by the authority aforesaid That the Comissioners or any three of them or more are hereby ordered to make Return of their proceedings herein the first day of every Sessions of the General Assembly unto the house of Representatives until the said act shall Expire to the end such further Consideration may be had in the Assembly of the matters aforesaid as for the peace and welfare of this province shall be thought Convenient. AND BE IT FURTHER ENACTED by the authority aforesaid, that the said Comis-

sioners shall be pay'd for their pains and trouble in the matter aforesaid, as the General Assembly at the Expiration of the said act shall think fitt.

[CHAPTER 91.]

[Chapter 91, of Livingston & Smith, and Van Schaack, where the title only is printed. The act is printed in full in Brinley's Bradford, p. 190, 185. Title only is printed in Baskett, p. 43. Livingston & Smith and Van Schaack state that the act was passed November 1, 1700. From the Minutes of the Council, however, it appears that the act was signed by the Governor, November 2, 1700. (See Journals of Legislative Council, p. 155. The original of this act is not in the office of the Secretary of State. The copy here printed was made from the enrollment thereof in the State Library. The act repealed by this chapter is chapter 86.]

An Act for repealing an act of Assembly Entituled an act for the better Securing the ffive Nations of Indians in their ffidelity to his Majtie and for granting unto his Majtie the Sume of one thousand pounds for building a ffort for the Security of the ffive Nations of Indians.

[Passed, November 2, 1700.]

Whereas the Generall Assembly of this province at their last Sessions did thinke Convenient to build a ffort for the Securing the ffive nations of Indians at Such place as Should be thought most Convenient for the same, and for the defraying the Charge thereof it was Enacted by an act made in this present year of his Majties reign, Entituled an act for the better Securing the five nations of Indians in their ffidelity to his Majtie that the Sume of one thousand pounds Currant money of this province should be raised by way of Severall rates and duties in the said act menconed to be in fforce for one whole year and no longer. And Whereas the representatives now in Genll. Assembly Conven'd have Considered that the Continuacon of the said act might prove very Inconvenient to the trade of this province and the lessening of other his Majties revenues as also that the Sume menconed in the said act would not be Sufficient to defray the Charge of the building compleating and finishing of the said ffort the building whereof being approved by his Majtie and also Considering the Sume of ffive hundred thirty Eight pounds five Shillings and Six pence hath been received by the Commissioners of the Customes by virtue of the said act from the publication thereof untill the twelfth day of October Instant, and therefore thought fitt that the Sume of one thousand pounds be assessed levyed and raised upon all and every the ffreeholders Inhabitants and Sojourners of and in this province in such manner and proportion as is herein after Expressed, to be added to the Sume of

ffive hundred pounds part of the said ffive hundred thirty Eight pounds five Shillings and Six pence raised as aforesaid, and the remaining thirty Eight pounds five Shillings and Six pence to be disposed of as by the Genll: Assembly shall be though fitt; Bee it therefore Enacted by his Excellency the Governor and Councill and representatives in Generall Assembly Convened and, it is hereby Enacted by the authority aforesaid, that the said act Entituled an act for the better Securing the five nations of Indians in their fidelity to his Maty be from and after the said Twelfth day of October Instant, repealed, reversed vacated and become null void and of none effect, and the said act and all the articles and Clauses therein menconed are hereby Declared to be repealed reversed, vacated, and become null void and of none effect to all Intents Construccons and purposes whatsoever from and after the said twelfth day of October Instant aforesaid, Provided and be it further Enacted that the said Sume of ffive hundred thirty Eight pounds five Shillings and Six pence be Imployed (that is to say) ffive hundred pounds thereof for and towards the building and finishing of the said ffort and the remaining thirty Eight pounds five Shillings and Six pence to such uses as the Genll: Assembly shall think fitt. And bee it further Enacted by the authority aforesaid, That the Sume of one thousand pounds Currant money of this province be laid Assessed levyed and raised upon all and every the ffreeholders Inhabitants residents and Sojourners of and in this province for the building finishing and Compleating the said ffort and for no other use whatsoever, That is to say one thousand pounds over and above the said ffive hundred pounds raised by the said act, Entituled an act for the better Securing the ffive Nations of Indians in their ffidelity to his Majestie, which said Sume of one thousand pounds shall be raised, Assessed, Collected, levyed and payd unto his Majesties Collector and receiver Generall for the time being at the Citty of New York at or before the first day of May next which shall be in the year of our Lord one thousand Seaven hundred and one, in such manner and according to the Severall and respective Quota's and proportions following, That is to say for the City and County of New York Two hundred Eight ffive pounds and tenn Shillings Currant money aforesaid for the Coutny of West Chester the Sume of ffifty one pounds fourteen Shillings, for the County of Richmond Twenty Three pounds and ten Shillings, for Kings County one hundred fforty Seaven pounds for Queens County one hundred Sixty four pounds ten Shillings,for the County of Suffolk one hundred Seaventy four pounds, four Shillings, for Ulster and Dutchess County Eighty four pounds Twelve Shillings, for the County of Orange Nine

pounds and for the City and County of Albany Sixty pounds all of Currant money aforesaid. And for the due and better Assessing levying and paying the aforesaid Sume of one thousand pounds. Bee it further Enacted by the authority aforesaid That the Mayors and Aldermen of the City's of New York and Albany the Justices of the peace for the time being for the Severall respective County's aforesaid for which they shall be Justices of the peace do within fforty dayes after the publication hereof Assemble and meet together in the Court house for the Severall and respective Cityes and Countyes or Such other place or places as they shall agree on and there order that the Assessors and Collectors for the Citys of New York and Albany, and the Severall and respective Towns mannors or Liberty's within their Severall Jurisdiccons for the Assessing Collecting and receiving of the publick rates for the defraying of the publick Charge of each respective City's and Countys aforesaid be the assessors and Collectors for the assessing Collecting and receiving the sume or Sumes of money hereinbefore menconed according to the proporcons before Expressed as to the said Mayors Aldermen and Justices shall Seem meet and reasonable, and forasmuch as there are Severall Towns mannors and Jurisdiccons within the respective County's aforesaid who refuse neglect or do not Elect annually or once every year Assessors or Collectors whereby the Intent of this act may be evaded and frustrated. Bee it further Enacted by the authority aforesaid. That if any of the respective Towns mannors or Jurisdiccons within the Severall Countyes aforesaid shall refuse neglect delay or deny to Chuse or Elect Assessors and Collectors for the Assessing of the Severall and respective Towns mannors and Jurisdiccons and for the Collecting the same according to the true intent meaning and direccons of this act, then and in such Case it shall and may be lawfull for the Justices of the peace or any two of them in the Countyes where such towns mannors and Jurisdiccons are who are hereby Impowered and authorized to nominate and appoint Assessors and Collectors for such towns mannors and Jurisdiccons as shall refuse neglect delay or deny as aforesaid which Assessors or Collectors so nominated and appointed in manner aforesaid shall to all Intents and purposes be Deemed and Esteemed the Assessors and Collectors of the said Towns mannors and Jurisdictions and observe and Execute the Directions of this act. And be it further Enacted by the authority aforesd That the said Mayors and Aldermen the Justices of the peace for the respective City's and County's have and Shall have by virtue of this act full power and authority each of them by himself to administer to such Assessor or Assessors

that shall be Elected or nominated and appointed in manner aforesaid an oath that they shall well and truely Execute the office of an Assessor and well truely Equally Impartially and in due proportion assess and rate the Estates of the Inhabitants residents Sojourners and ffreeholders of the respective places for which they shall be Chose Elected nominated and appointed assessors according to the best of their Skill and knowledge and therein they shall spare no person for favour or affection or greive any person for hatred or ill will and the said assessors are hereby required to Deliver one Copy of their Assessment fairly written and Subscribed by them unto the said Justices or to the office of the Clerk of the peace of the respective County to which they belong And the said Justices for each respective County or any two or more of them are hereby ordered and required to Cause the said Severall Assessments to them Delivered to be fairly written and to Sign and Seal Severall Duplicates or Copies of the said Assessment and one of them So Signed and Sealed forthwith deliver or Cause to be Delivered unto the respective Collectors within the Severall and respective Cityes and County's aforesaid and shall likewise Deliver or Cause to be Delivered an other fair Copy so Signed and Sealed unto the Clerk of the peace of each respective City and County to which they shall belong there to be filed and remain upon record. And be it further Enacted by the authority aforesaid that if any person or persons Chosen Elected nominated or appointed in manner aforesaid assessors or Collectors shall deny neglect refuse or delay to Collect any Sume or Sumes of money in form before menconed then and in Such Case it shall and may be lawfull for any two of his Majties Justices of the peace of the City or County where such offenders shall happen to reside and who are hereby required and Impowered to do the same by warrant under their hands and Seals to Comitt Such Collectors or Assessors so denying refusing neglecting or delaying or unequally impartially assessing or refusing to Collect as aforesaid to the Comon Geoal there to remain without Baile or mainprize till he or they shall make fine and ransom to his Majtie for such his Contempt as aforesaid, and upon such Comitment the Justices are Speedily required to nominate and appoint other Collectors and Assessors in their room and Stead. And Bee it further Enacted by the authority aforesaid, that if any person or persons, shall neglect or refuse to pay the Severall rates and Assessments wherewith they are Charged by this act of Generall Assembly for or in respect of his or their goods or Chattells Lands or Tenements upon demand of ye Collectors that shall be Chosen and appointed to receive the same or within ten dayes next

after the said Demand it shall and may be lawfull to and for Such Collectors and they are hereby required and Impowered for non payment thereof by warrant under the hands of two Justices of the peace to destrain the person or persons for refusing or neglecting to pay on his or their goods or Chattells or destrain in and upon the Messuages, Lands and Tenements so Charged and the Goods and Chattells then and their found and the distress so taken to carry away and the same to Expose to sale in the City Town or County where such distress is made for the payment of the said rate or Assessment and the overplus comeing by the said Sale if any be over and above the Charges of taking and carrying away the said Distress to be Immediately returned to the owner thereof, which Charges to be allowed by two Justices of the peace of the respective City or County And moreover it shall and may be lawfull to breake open in the day time any house, and upon warrant under the hands and Seals of any two or more Justices aforesaid any Chest Trunk or box or other things where such goods are and Call to their Assistance the Constables and any other persons within their respective Cityes Countyes Towns mannors or Jurisdictions where any refusall neglect or resistance shall be made which said Officers and persons are hereby required to be aiding and Assisting in the premisses. And be it further Enacted by the authority aforesaid That if any Mayor Alderman or Justice of the peace within this province who are hereby required Impowered or Authorized to take effectuall care that this act and every article and Clause therein be duely Executed according, to the true Intent and meaning thereof, shall deny, neglect, refuse, or delay, to perform fullfill and Execute all and every the duties powers and authority's by this act required and Impowered by him or them to be done performed fullfilled and Executed and shall thereof be Convicted before his Excellency the Governor and Councill or by any of his Majties Courts of Record within this province he or they shall Suffer Such pain by ffine and Imprisonment as by the Discretion of the Governor and Councill or the Justices of the said Courts shall be adjudged. And bee it further Enacted by the authority aforesaid That if any Bill plaint or Informacon shall be brought moved or prosecuted at any time hereafter against any person or persons for any matter Cause or thing Done or acted in pursuance or Execution of this act Such person or persons so sued or prosecuted in any Court whatsoever, shall and may plead the Genll. Issue not Guilty and give this act and the Speciall matter in Evidence and if the plaintiff or prosecutor be non Suited or forbear further prosecution or Suffer Discontinuance or verdict to pass against him the Defend-

ant shall recover Speciall Costs for which they shall have the like remedy as in Case where Costs by the Law are given to Defendants. Provided alway's that no Mayor Alderman or Justice of the peace shall be Sued prosecuted or molested for any omission offence or neglect by virtue of this act but within the Space of one year after such omission offence or neglect and not at any time hereafter any thing herein Conteined to the Contrary hereof in any wise Notwithstanding. And bee it further Enacted by the authority aforesaid, that Hendrick Hansen John Bleeker and Peter van Brugh Esqrs: be and are hereby appointed managers of the building erecting and finishing the said ffort and providing materialls and workmen for the same under the direction of his Excellency the Governor aforesaid. And that in Case of the death or other disability of the Managers for the building the said ffort, that the Govenrnor or Comander in Cheif of this province for the time being do nominate and appoint another or other fitt person or persons in the room or stead of him or them so dyeing or being otherwise disabled as aforesaid.

THE EIGHTH ASSEMBLY.

First Session.

(Begun Aug. 19, 1701, 13 Wm III, John Nanfan, Lieutenant Governor.)

[CHAPTER 92.]

[Chapter 92, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Brinley's Bradford, p. 173, 206. Title only is printed in Baskett, p. 52. Part of this act expired in three years and the remainder relating to ferriage fees is provided for by chapter 593.]

An Act for Encouraging the City of New York

[Passed, October 18, 1701.]

WHEREAS the Citty of New York is the most Ancient City of this Province, and is now, and for Some time Since hath been at very great Charges & Expences for the building and maintaining of publick buildings for the Hon'r & Reputation of this Province, by reason whereof the Treasury of the said Citty is Exhausted, and great Sums are yet wanting to Compleat the matters aforesaid. Now for the ease, benefit Comodity, encouragement and Assistance of the said Citty of New York and to the end the Supreme Court of Judicature within this Citty and County and the Court of admiralty for this province may have Conveniences for their Sittings in the City hall of this City, without charge to the Crowne, May it please your Honours, That

it may be declared and Enacted, And it is hereby Enacted by the Gov'r and Council, and Representatives in General Assembly Convened, and by the authority of the Same, that the rates and Duties hereinafter named, be raised, Imposed, Collected and paid for and during the time, and term of three years, from and after the last day of this present Sessions of the Generall Assembly, to be paid unto Such Officer as the Comon Council of the said City, shall from time to time appoint, for the use of the said City, which Comon Council are hereby Authorized and Impowered to appoint Such officer accordingly, during the time and terme aforesaid, That is to Say, the Sum of One Shilling Currant Money of this Province for each half barrel of fflower Imported into the said City, from any other of his Ma'tys Plantations in America, and So proportionably for a greater or Less Quantity; The Sum of Six pence for each hundred weight of bread Imported as aforesaid, and So proportionably for a greater or Less Quantity; the Sum of nine pence on each barrel of Syder Imported as aforesaid, and So for a greater or Less Quantity; and the Sum of three pence. for every Empty Cask Imported as aforesaid. And be it further Enacted by the authority aforesaid, That the Severall Rates and Duties hereinbefore menconed shall be rece'd Collected and paid in Such wayes and Manners, & under Such fines, penalties and forfeitures as is declared in and by one Act of Assembly of this Province, Entituled an Act for granting unto his Ma'ty Severall Duties for defraying the publick Charge of the Government after the time lymitted in an Act, Entituled an act for Confirming unto their Ma'tyes the Revenue Established by an Act of Generall Assembly for defraying the publick and necessary Charge of the Government, is expired, any thing in the said Act Contained to the Contrary hereof in any ways notwithstanding. Provided always, and be it further Enacted, That the Officer appointed by the said City for the Collecting and receiving the Duties aforesaid, shall keep his hours of attendance at Some Convenient place in the said City, at Such time and times as is usuall for the Officers of his Ma'tys Customs, and Shall not receive any ffee or ffees from any person or persons entring or paying the Duties as aforesaid. And Bee it further Enacted, That the fferry between the said City and the Island of Nassau, belonging to the said City, do and shall forever hereafter enjoy all Such Rights, privileges, free Customs, Emoluments, ffees & perquisites, as the Same at any time before the making of this Act did enjoy, during the time that the additionall Duty granted in this present Assembly, or any other additional Duty of Equall value shall Continue. And Be it further Enacted by the authority aforesaid, That the Rates and

prizes Be and are hereby allowed and Establisht as antiently they were for the fferry aforesaid, That is to Say, every Single person for going over Eight Stivers in Wampum, or a Silver Two pence, each person in Company four Stivers in Wampum or a Silver penny, if after Sun Set double fferriage; each horse or Beast Single, one Shilling, in Company nine pence; each shoate or Calf three pence; each hogg in Wampum Eight Stivers, or a Silver two pence; each Sheep four Stivers Wampum, or a Silver penny; each Barrell of Rum, Sugar, Molasses, oyle, porke or other thing three pence; each Empty Barrel four Stivers Wampum or a Silver penny; a Beasts hide the like, a ffirkin or Tubb of Butter, two Stivers Wampum; every three Scipples of Corn a Silver penny, or four Stivers Wampum; a paile of Butter two Stivers; every Bushell of Salt two Stivers; every hogshead of Tobacco Nine pence; and for all other things proportionably thereunto. And if any person or persons shall transport any thing but his own produce over the said fferry without paying Ferriage, he she or they Shall forfeit his her or their Vessel in which he she or they transport the Same, one third to the Governour, one third to the said City, and one third to the Informer, to be recovered in any Court of Record within the said City, by Bill, plaint or Information, whereof no Essoign, protection or Wager of Law, or more than one Imparlance shall be allowed, which Said Court or Courts are hereby Impowered to hear, try and determine the Same, any Law Usage or Custom to the Contrary hereof in any ways notwithstanding. Provided, that the said City, or Such as shall be appointed by them, shall give due attendance for the transporting of persons and goods, as aforesaid, under the penalty of Six Shillings, to be recovered before any of his Ma'tys Justices of the peace in New York or Kings County on Nassau Island, to be applyed for ye benefit of the County where the default shall happen & Judgement be given.

[CHAPTER 93.]

[Chapter 93, of Livingston & Smith and Van Schaack, where the act is printed in full. Printed in full in Brinley's Bradford, p 174, 207; Baskett, p. 51. The act was confirmed by the Queen, May 20, 1708. (See Fowler's Bradford, p. CXXXVIII.)]

A Bill for Regulating the ffences in ye County of Ulster.

[Passed, October 18, 1701.]

WHEREAS in the County of ULSTER the Inhabitants there are Accustomed to make Circular ffences for the Surrounding of their Land which they Manure; by which means great quantities of Lands are Surrounded with the said Circular ffence, and

those who are in the middle of the Said Lands have their ffeilds Secured by the said ffence, yet have not Contributed nor will Contribute their proportion of the Charge of the said ffence; That the Same may be Remedyed for the future, be it Enacted by his Honor the Lieu't Governour and Council, and Representatives Convened in Generall Assembly, and by the Authority of the Same, That as to all Lands within the said County of Ulster, which now are, or hereafter shall be Surrounded with a Circular ffence, the owners or possessors thereof shall in proportion to the quantitys of Land they have within the said ffence, pay [& Contribute to the makeing of the said ffence;] and if any person or persons having any Land, as aforesaid, within the said ffence, will not Contribute and pay his proportion, as aforesaid, of the said Circular ffence; Then it shall be Lawful for any Justice of the Peace of the said County, residing near where such default shall happen, upon View of Such Defect to assess and Levy the proportion of the said ffence, as aforesaid, by Warrant under his hand and Seal, directed to the Constable of the precinct where such Default shall happen, upon the goods & Chattles of him or them who shall have Land within the said Circular ffence, and shall not, or will not Contribute to the Same; and that the same be Imployed for the making of the said ffence, returning the overplus, if any be, to the owner or owners of such Land, the Sum Assessed and Charges of Distress & Sale, being first Deducted, any Act to the Contrary hereof in any wayes notwithstanding.

[CHAPTER 94.]

[Chapter 94, of Livingston & Smith and Van Schaack, where the act is printed in full. Printed in full in Brinley's Bradford, p. 162, 195; Baskett, p. 45. The act was confirmed by the Queen, May, 20, 1708. (See Fowler's Bradford, p. CXXXVIII.) The last clause of this act was repealed by chapter 202.]

AN Act for the more regular proceedings in the Elections of Representatives for the Severall Cities and Counties within this province

[Passed, October 18, 1701.]

WHEREAS the Election and Return of Representatives for the Severall Cities and Counties of this Province, to come to the Assembly of our Lord the King, in this Province, have been often heretofore managed with great fraud and deceit, to the grevious damage of the Subjects; for the preventing of which for time to come, a good and wholsome Law was Enacted by the General Assembly of this province in the Eleventh year of his Ma'tys Reign, Entitled An Act for the Regulating Elections of

Representatives in Generall Assembly in each Respective City and County within this Province, yet nevertheless many and great abuses are Still Continued to be put upon the Subjects in their Election, as aforesaid; for the preventing whereof, be it Enacted by his Hon'r the Leiu't Gov'r and Council, and Representatives now in General Assembly Convened, and it is hereby Enacted by the Authority aforesaid, that from henceforth and for ever hereafter, no Papist or Popish Recusant, or Such person or persons as shall refuse upon the tender and demand of the Sheriff, or either of the Candidates, to take the Oaths appointed by Law to be taken instead of the Oaths of Allegiance and Supremacy, and to Sign the Test and Association, as Directed by Law in other cases shall be Suffered to give his or their Vote or Votes for any Representative or Representatives to Serve in this or any future Generall Assembly within this Province, or for any other Officer or Officers whatsoever. And whereas Doubts have Arisen whether a person haveing an Estate of ffreehold in possession for his Life, or for the Life of his Wife, should be allowed to vote for the same. BE IT ENACTED BY THE AUTHORITY AFORESAID, That all and every person & persons not Excepted by this Act, haveing in his or their possession an Estate of ffreehold, during his Life, or for and dureing the Life of his Wife, to the Value or quantity in the above recited Act Expressed, shall be and is hereby qualified to give his & their Vote and Votes for Representatives, as aforesaid, Provided he be further Quallified, as in the aforesaid Act, and this present Act is Expressed. And whereas a Question hath arrisen whether any person or persons haveing Mortgaged his or their Lands, and being in possession thereof, and receiving the Income thereof, should not by reason of Such mortgage be debarred from giving his Vote, as aforesaid, BE IT THEREFORE ENACTED, That Such mortgage shall not debar the party abovesaid from the giveing of his Vote, provided he be in possession thereof, or receive the Incomes of the Same. AND BE IT FURTHER ENACTED BY THE AUTHORITY AFORESAID that to prevent all Disputes relating to the ffreeholders in Dutchess County about the Election of Representatives, as aforesaid, the Said County be and is hereby declared to be annexed to the County of Ulster for the term of Seaven years next after the present Session, and that the ffreeholders of Dutchess County, qualified by Law, shall and are hereby Impowered to give their Votes for Representative in the County of Ulster, as if they Actually Lived in Said County, anything to the Contrary hereof in anywise notwithstanding. And whereas Disputes have arisen between the Counties of Orange and Ulster relating to Wagache-

meck and great and little Minissinck,Be it Enacted by the authority aforesaid, that Wagachemeck and great and little Minissinck be and are hereby Immediately annexed to the County of Ulster untill Such time that the bounds between the Counties of Orange and Ulster shall be Settled, and that the Inhabitants of Wagachemeck and great and little Minissinck be and are hereby Impowered to give their Votes for Representatives in the County of Ulster, as if they actually lived in the Said County of Ulster, any thing to the Contrary hereof in any wise notwithstanding.

[CHAPTER 95.]

[Chapter 95, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Brinley's Bradford, p. 160, 193. Title only is printed in Baskett, p. 52. The act referred to is chapter 5, but that act and this act were repealed by chapter 114.]

An Act for supplying the Defects of a late Act Intituled an Act for setling the Militia

[Passed, October 18, 1701.]

WHEREAS by an act of the General Assembly of this province, made in the Third year of his present Majties Reign, Entituled, an act for Settling the Militia, It is Enacted, That no person whatsoever from fifteen to Sixty years of age remain unlisted by themselves or Masters, Mistresses or Imployers, under the Captains in their respective places of abode, in ffoot or horse the Space of One Kalender Month after their arrival, or Coming to reside or Sojourn in any place within this province, on penalty of Twenty Shillings, and so for every Moneth such person shall remain unlisted; Which Act is by Experience found to be very much Evaded, Especially in Such parts of this province where there are more than one Company of Militia Souldiers, the s'd persons pretending themselves to be listed Sometimes in one, and Sometimes in another Company, whereby they either wholly Evade the s'd Act, or if found out the penalty's therein Contained are so Small and Inconsiderable That Several persons absolutely refuse to appear in Arms, according, to the Tenor of the s'd Act, not valuing the payment of the Penalties Imposed therein, BE IT therefore ENACTED by the hono'ble his Maj'ties Lieu't Governour and Councill, and Representatives in Generall Assembly Convened and it is hereby Enacted by the authority aforesaid, That all and every person and persons above the age of Fifteen, and under the age of Sixty years, (Except as

therein Excepted) Shall within the time and Space of one Kalender month after his or their arrivall into this province, Repair to some Cap't; or other Officer of the ffoot Company, or Troop of Militia horse near adjacent to his or their place or places of abode, and List him or themselves in the s'd Company or Troop, and receive from the Officer with whom he or they shall list him or themselves, as aforesaid, a Certificate of his or their being so Listed, w'ch the s'd Officer on request, is hereby required to give unto him or them w'th penalty upon all and every person & persons who shall remain unlisted, or want a Certificate of his or their being so Listed, as afores'd, after the Expiration of the s'd Month, for every Month he or they shall Remain unlisted, as aforesaid, the Sum of Forty Shillings.

AND it is further ENACTED by the authority aforesaid, That all other ffines, penaltys and fforfeitures in the s'd act menconed, shall be and are hereby Doubled and made Double the Sums mentioned and expresed in the s'd act, and shall be recovered and applyed as is therein set fforth and mentioned. And whereas Severall of the Souldiers of the Militia Troops and Companys in this province on information that the s'd Troops or Company's, or Such as they belong to or are Listed in, are Ordered to meet and appear in Arms on any Certain day, have on that day purposely and with intent only not to appear in Arms, falsely pretended business out of the City, Town or County where they reside and Inhabit or followed such businesse which otherwise they would have delayed ffor, Remedy whereof. BE it further ENACTED by the authority afores'd. That if the Cap't or any other Comission Officer of any Company of foot or Militia horse as afores'd, Shall Suspect any person or persons to be guilty as afores'd the said Cap't or other Officer is hereby required and Impowered to administer the Oath following, to such person so Suspected as afores'd, vizt. I A. B. do truly and sincerely Declare and swear, That I did not Depart out of on purpose to avoid serving in the Militia the day of And if the s'd person shall refuse to Swear, as afores'd he and they shall be subject and lyable to Double the penaltyes in the s'd Act Contained. Provided alwayes that no person or persons shall be detatched, pressed or obliged to march out of his or their County who is or shall be under the age of Sixteen years.

[CHAPTER 96.]

[Chapter 96, of Livingston & Smith and Van Schaack, where the act is printed in full. Printed in full in Brinley's Bradford, pp. 163, 196; Baskett, p. 46. The act was confirmed by the Queen, May 20, 1708. (See Fowler's Bradford, p. CXXXVIII.) The act repealed is chapter 6.]

An Act for Repealing an Act of ye General Assembly of this Province Entituled, An Act for Defraying the publick & necessary Charge throu'out this Province, for maintaining the poor, and preventing Vagabonds Except so much thereof as relates to Vagabonds, and for the Appointing more Effectual means for defraying the publick and necessary Charge in each City and County, and for maintaining the poor.

[Passed October 18, 1701.]

WHEREAS there is an Act of the Generall Assembly of this Province, made in the year of our Lord 1691. Entituled and Act for defraying the publick and necessary Charge thro'out this Province, and for maintaining the poor and preventing of Vagabonds, which said Act hath been by Experience found to be very Inconvenient and burthensome to the Inhabitants of this Province, and hath occasioned many heats, animosities, Strifes and Debates, and other differences, all which being Considered the Representatives now in Generall Assembly Convened, do most humbly pray that it may be declared and Enacted, and it is hereby declared and Enacted by his Hon'r the Leiu't Gov'r and Council, and Representatives in this General Assembly Convened, and by the Authority of the Same, That the said before mentioned Act of Assembly and every Article and Clause therein Contained, Except so much thereof as relates to Vagabonds, be and is hereby repealed, reversed, made and declared null and void to all Intents, Constructions and purposes whatsoever, as if the said Act had never been made and Enacted, To the End nevertheless, that the publick and necessary Charge in each City and County may be duely defrayed, the poor maintained, and Vagabonds and people of ill behaviour Discountenanced, Be it declared and Enacted by his Hon'r the Leiu't Govr and Council, and Representatives now in Generall Assembly Conven'd, And it is hereby Enacted by the Authority aforesaid, That the Justices of the peace of the respective Countyes of this Province, or any five or more of them, Two whereof to be of the Quorum, shall once in the year at a Court of Generall or Speciall Sessions, Sup-

ervise, Examine and allow the publick and necessary Charge of their Respective County, and of every Town thereof, part of which the allowance made by Law to their Representative or Representatives, shall be deemed and accounted to be, and upon Examinacon and allowance of the said Acco'ts, they or the major part of them, as aforesaid, are hereby Impowered to Issue their warrant to the Severall Towns in said County, under their hands and Seals, or the hands and Seals of the Major part of them, for the Chusing and Electing of two Assessors and one Collector in each of their Towns or County, for the Assessing and Collecting of the Sum and Sums of Money So allowed by the Justices aforesaid; and if any Justices of the peace Shall neglect or refuse to put this Act in Execution, he shall forfeit fifty pounds; and if any Town or Towns Shall refuse, neglect or delay to Choose Assessors and Collectors, as aforesaid, at Such times as by the said Justices shall be appointed, Such Town shall forfeit the Sum of Twenty pounds to his Maty, all such Sums to be recovered in the Supream Court of Judicature in this Province, where no Essoin, protection, Wager of Law, or any more than one Imparlance shall be allowed; and if the said Assessors shall refuse and neglect to assess and rate in twelve days after the said Warrant, and the Collector to Collect and Levy within one and twenty days after assessment, the Sum or Sums of money ordered and allowed, as aforesaid, every person so neglecting or refusing, shall forfeit the Sum of ten pounds Currant mony of this Province, to the County or Town where the Same refusal or neglect shall happen, to be recovered in the respective Court or Courts of Sessions in the County or Countyes aforesaid, and shall be also Imprisoned without Bail or mainprize for three Months by the Court aforesaid; and in Such Case the Justices aforesaid are hereby fully Impowered at Such time as they shall think fitt, to appoint others in the rooms of Such Assessors or Collectors, as aforesaid.

AND BE IT FURTHER ENACTED BY THE AUTHORITY AFORESAID That the Justices above said are hereby Impowered once in every year to appoint and Elect a Treasurer for their Respective County or Countyes, which Treasurer shall make Such payments, for the defraying the necessary Charges of each respective County as shall be appointed and allowed by the Justices aforesaid. AND BE IT FURTHER ENACTED BY THE AUTHORITY AFORESAID, That it shall and may be Lawfull for every Collector Chosen as aforesaid, by Warrant under the hand and Seal of any two or more Justices of the Peace of each Respective County, to Collect and Levy, by distress on the Goods and Chattles of all or any persons refusing

or neglecting to pay the Sum or Sums of Money So assessed on them, returning the overplus to the owner, the Charges of Distress and Sale first deducted, which Charge is to be allowed before any two Justices of the peace; one whereof to be of the Quorum of Such County or Countyes as aforesaid. AND BE IT FURTHER ENACTED BY THE AUTHORITY AFORESAID, That the Treasurer of each respective County within this Province, shall keep a Distinct book of Acco'ts, Containing a particular Acco't of all the Money, Rates and Assessments aforesaid, and also of all Disbursements and payments by Warrant aforesaid, and once every year he shall bring in his Acco'ts to the Court of Sessions aforesaid, to have the Same Audited, which Said Court is hereby Impowered in each County to Audit the Same under the penalty of one hundred pounds, to be forfeited by the said Treasurer to our Lord the King, in case of his neglect to bring the said account before the said Justices, to be recovered in the Supream Court of Judicature. AND BE IT FURTHER ENACTED, Whereas, it is the Custom & practice of his Ma'tys Realm of England, and all our adjacent Colonies in AMERICA, that every respective Town and Parish doth care and Provide for the poor who do inhabit in their respective Precincts, as aforesaid, that for the time to come the Justices aforesaid at their respective General Sessions do once in the year make provision for the maintenance and Support of their poor Respectively.

And Whereas Severall of the Cittyes and Countyes of this Province have not taken care for the paym't of the Representatives before the first day of this Instant Sessions of the General Assembly, of this Province, BE IT THEREFORE ENACTED, that the respective Officers Concerned in this Act for the defraying the publick Charge of each respective City and County, do and shall on or before the day of next, According to the directions of this Act cause due payment to be made to the said Representatives, after such Rates and allowances as were made by an Act of Assembly of this Province in the year, of our Lord One thousand Six hundred Ninety one, entituled, AN ACT FOR ALLOWANCE TO THE REPRESENTATIVES, any thing to the Contrary hereof in any ways notwithstanding, Provided that no money be Demanded for Service in General Assembly by any person before the year of our Lord One thousand Six hundred Ninety Eight. And whereas the City of New York and Albany, by their Several Charters differ in the wayes and means for the defraying their publick Charge, and maintaining their poor from the Severall Counties of this Province, BE IT THEREFORE DECLARED AND ENACTED BY THE AUTHORITY AFORESAID, That the

Comon Councils of the said Cityes respectively, are hereby Authorized to follow their former method concerning the premises, and that they be hereby Impowered upon want of money in their Treasury, to raise and Levy upon the Inhabitants of their said Cityes Respectively, Such Sum & Sums of money as Shall unto them appear Sufficient to pay their respective Representatives, Bellmen or Watchmen, or Such other necessary and publick Charge as shall be yearly and every year requisite, and necessary, anything in these presents Contained to the Contrary thereof in any wayes notwithstanding.

PROVIDED, That no City or County shall raise above three hundred pounds P ann for their publick Charge.

[CHAPTER 97.]

[Chapter 97, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Brinley's Bradford, pp. 175, 208. Title only is printed in Baskett, p. 52.]

An Act for Confirmation of a Certain Agreement made by Thomas Swartwout and Company of the one part and Garret Aertsen & Company of the other part

[Passed, October 18, 1701.]

WHEREAS Thomas Swartwout and Company did Obtain a Grant from Col ffletcher, late Gov'r of this Province, to purchase of the native Indians a certain Tract of Land, known by the name of Waghakemeck in the County of Ulster and Orange. And whereas Gerret Aertsen and Company did also obtain a grant from the said Gov'r to purchase of the native Indians a Certaine Tract of Land called great and little Minissinck; and whereas the said Grants did Interfere, and were likely to occasion endless differences and Suits in Law and Equity between the parties aforesaid. It was by the said Gov'r recommended to both the said parties to join their Grants together, which they Accordingly did, or attempted to do, by a certain agreement made in Kings Town in the County of Ulster, dated the third of June, One thousand Six hundred Ninety Six, in these words, Be it known by these presents, That before us the underwritten are Agreed, Viz't Thomas Swartwout and Company, who have obtained a grant from his Excel and Council, to buy Waggacheineck of the Indians, and Gerret Aertsen, Jacob Aertsen and Conrad Elmedoys for them and Company, who have obtained a grant to buy great and little Minissing of the Indians, from his Excel, &c. That they both mix their grants together, and

that the Land that is Specified in both grants, be jointly bought and paid for, Viz't for Thomas Swartwout and Company Seaven Shares, and for Gerret Aertsen and Company, twenty Shares, and that what money has been Expended in obtaining the said grants, or otherwise paid, shall in no wayes be brought into the Comon acco'ts but all what has already been paid to the Indians by any of the said parties, on Acco't of Said Land, when the Indians owned the Same, it must be allowed and paid for in Twenty Seaven shares; As also, That Thomas Swartwout and Company shall have and enjoy, as a prerogative, without giving any particular Satisfaction for the Same, Seaventy Seaven morgand of Land out of the Land of Hanjoar the Indian, but that Lots shall be cast for the Same, and what Lot falls to the said Thomas Swartwout, and Company, shall be the property of the said Thomas Swartwout and Company, as Soon as the Land shall be bought of the Indians, in Kingstown, the third day of June one thousand Six hundred ninety Six Henry Beekman, Dirck Schepmoes, Johannis Wyncoop and William De Myer. In pursuance of which Agreement, the said Severall Companys purchased of the Indians, and have been in possession according thereunto, which notwithstanding the said Thomas Swartwout and Company, haveing obtained a Surreptitious Patent of the said Governour, Contrary to their said Agreement, seek to disturb the said Gerret Aertsen & Company, in the possession of their share of and in ye premises. Be it therefore Enacted by his Honour the Lieu't Governour & Council, and Representatives now in Generall Assembly Convened, and it is hereby Enacted by the Authority aforesaid. That the said Agreement and every Article and Clause therein Conteined, is & is hereby declared to be of full force and virtue against the two Companys aforesaid, the said Pattent or any thing therein Contained to the Contrary hereof notwithstanding. And as to so much of the Lands Conteined in the said Surreptitious Patent, as ought to be Injoyed by the said Gerret Aertsen and Company, by Virtue of the said Agreement, the said Thomas Swartwout and Company, their heires and assignes, shall Stand & be & are hereby declared, to Stand and be intrusted for the said Gerret Aertsen & Company, their heires and assignes, Saving to all and all manner of persons (Excepting the parties to the said agreement & their heirs and assigns all the right, Title, Interest, Claime & Demand w'ch they have or may have to the premises, or any part there of, any thing in this Act Conteined to the Contrary hereof in any wise notwithstanding. Provided Nevertheless, That neither this act nor the s'd patent Granted to the said Thomas Swartwout and Company, shall be Construed to debar

William Titsoort or his heirs of any part of the Land within the Said patent or agreement, which the Native Indians have given and Conveyed to him

[CHAPTER 98.]

[Chapter 98, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Brinley's Bradford, p. 167, 202. Title only is printed in Baskett, p. 52. This act was repealed by chapter 203. The sentence in brackets has opposite it, on the margin of the original law the word "out."]

An Act to Oblige Robert Livingston Esq'r to acco't according to the purport of an act Entituled an Act for appointing and enabling commissioners to take and state the publick acco'ts of this Province.

[Passed, October 18, 1701.]

WHEREAS by a late Act of General Assembly, Entituled, an Act for appointing and enabling Commissioners to Examine, take and State the publick accots of this Province, it was among other things Enacted, that Leonard Lewis Esqr Abraham Gouverneur, Esqr. Rip Van Dam, merchant, Cornelius Sebering, Esqr. and David Provoost Esqrs., shall be and are thereby Constituted Commissioners for examining- taking and stating the Accots of this Province, and all the accots of Taxes, Subsidies or Aids granted unto the late King James the Second, his present Maty, and the late Queen Mary of happy memory, and Since to his Maty, from and after the Arrival of Coll. Thomas Dongan, late Governor of this Province, untill the first day of October in the year of our Lord One thousand and Seaven hundred, and of all Imbezelments and Concealements of goods and monys Seized and forfeited to ye Kings maty by any penal Law or Statute And further, the said Commissioners, or any three or more of them, are thereby Impowered and Authorized at certaine dayes and times to cause to come before them, or any three or more of them, all and every person or persons Concerned in having had any part of the publick Money, and lay before them the accotts for w'ch they had or pretend the certain Sums of money, and also all persons Suspected to have been any wayes Concerned in the Imbezeling or Concealing any goods or money Seized or forfeited to the Kings Maty by any penal Law or Statuts in this Province, and to Examine them upon Oath to the Same, or to all or any Articles thereof, and that if they or any of them do refuse to give Such Accot on oath as aforesaid, that the said Com'rs or any three or more of them,

do desire the Gover of this Province, by writing under their hands to Comit Such person or persons to Goal without baile or Mainprize, in the City or County where Such person or persons shall reside, untill he or they give such acco'ts, and Swear, as aforesaid, or pay or refund the Sum of Money he, she or they refuse to swear to. And whereas Robert Livingston Esqr; being known to have rece'd great Sums of the publick Money, has been Sundry times by the said Comrs required to give a true Accot upon oath, according to the Intent and meaning of the said Act, w'ch he for some time absolutely refused in Contempt of the said authority upon which Contempt the said Comrs according to the tenor of the said Act, applyed themselves to ye Honble John Nanfan, Esqr. Lieut Govr of this Province, desiring him to Comitt the said Mr Livingston, but the said act not having given Express Authority for Such Comitment, has hitherto proved ineffectuall, Report whereof having been made by the said Comrs to this present Assembly, it was upon the twenty Seaventh day of Augt in this present year one thousand Seaven hundred and one, Ordered, That the said Mr Robert Levingston do accot with the Comrs, as the Law directs, before Wednesday then next following, w'ch if he should not perform, it was further ordered that a Bill be brought into the said House for Confiscating the Real and personal Estate of the said Robert Livingston, for So much Debt to the Crown as he can be Charged with by the Comrs of accots, and that he should have Immediate notice of the said Vote, which was given Accordingly, to the end that he might be obliged to Accot, or offer Such reasons as he could against Such a Bill, Since which time, that is to Say, on ye first day of September in this present year, the said Mr. Levingston appeared before the said Comrs, & tho' he has had nigh Eight months for Stating his Accots, was not ready with any Accots, but offered frivolous pretences for further delays, which appearing to the said House, they ordered notice to be again given to him of their Intencon to proceed with Such Bill, notwithstanding which, he has forborn attending the said Comrs tho' duely thereunto required. Whereas also, upon Report of the said Comrs, and otherwise, it does appear that the said Robert Levingston hath received of publick money, and by reason of Specious and fraudulent pretences of his Disbursments for the publick, the Sum of Seaventeen thousand Sixty nine pounds Nineteen shillings & two pence farthing, and upwards, part whereof, that is to say, The Sum of Three thousand four hundred thirteen pounds Eleaven shillings and nine pence farthing, was Excise mony received at Albany from the year one thousand

Six hundred Eighty three, till the first of October, Seaventeen hundred, as appears by accots under his own hand, and he had Warrants for and rece'd from the Sixth of May, one thousand Six hundred and ninety, untill the Seaventh of May, one thousand Six hundred Ninety one, the Sum of Eighteen hundred Seaventy pounds, Eighteen shillings and Six pence half penny, and the further Sume of Two thousand four hundred twenty four pounds, two shillings and Eleven pence half penny from the Seaventh of May, one thousand Six hundred ninety one, till the twenty Seaventh of may one thousand Six hundred ninety two and the further Sum of Two thousand Sixty five pounds two shillings and three pence from the twenty Seventh of may, one thousand Six hundred ninety two, till the fourteenth of May, One thousand Six hundred ninety three, and the further Sum of four Thousand two hundred ffifty five pound nine shillings and Eight pence from the fourteenth of may, One thousand Six hundred ninety three, till the fifth of Sept'r, one thousand Six hundred ninety five, and the further Sum of One hundred thirty pounds Seventeen shillings and ten pence half penny, from the fifth of September, one thousand Six hundred ninety five, till the first of July, one thousand Six hundred ninety Seven, and the further Sum of Two hundred fifty Eight pounds from the first of July, one thousand Six hundred ninety Seven, till the nineth of June, one thousand Six hundred ninety Eight, [and the further Sum of Eleven hundred ninety five pound foure shillings and five pence half penny, from the nineth of June one thousand Six hundred ninety Eight,] till the fifteenth of may, One thousand Six hundred Ninety nine, and the further Sum of Nine hundred twenty Six pounds, Eleven shillings and Eight pence, from the ffifteenth of may, one thousand six hundred ninety nine, till the thirtieth of may, Seaventeen hundred, and the further Sum of ffive hundred and thirty pounds, from the thirtieth of may, Seventeen hundred, till this day together with other vast Sums of Money, for which no particular accot appears, That is to Say, all and every the Sum and Sums of money reced of Coll Dongan, late Gov'n of this Province; for the Expedition at Albany in ye Said Gov's time, and all and every the Sum & Sums of money he the Said Levingston, or his Assignes hath or have reced by vertue or Colour of any Order or Orders, warrant or warrants by his Maj'ty, or by any Gov'r of this province and all and every the Sum and Sums of money he the s'd Robert Livingston hath Reced by virtue or colour of his being Secretary of the Indian affaires. and also the goods, wares, merchandises, Sum and Sums of money he had received and took from Peter Bogardus and Coll Joachim Staats at Albany, belonging to his matys

Treasury of this Province, in ye year one thousand Six hundred and ninety, to colour the receipts of which, Several large Sums it appeareth that he has procured Audits and allowances of divers Sums, which were Included in other Sums paid to persons, some of which are Since Dead, and others removed to parts beyond the Sea, and by means thereof he the said Robert Levingston has been allowed the Same Sum more than once, Some have been Debentures bought of Soulders for very Small proportions of what was due to the Said Souldiers, and other Sums were for Excessive and Extortive prices for goods and other necessaries to Souldiers, when he had Money in his hands appointed for paying the Said Souldiers, and there is reason to believe that he has been guilty of Sundry frauds, which can never be Discovered without the Oath of the said Robert Levingston, and his Direct answer to Such questions as shall be put to him in relation to his wholl Accot, To the end therefore that he the said Robert Levingston may be Effectually Obliged to accot and answer upon Oath, as aforesaid, or otherwise that his Estate may answer as a just forfeiture for his Contempt, Be it Enacted by the Leiut Govr. & Council, and Assembly, and it is hereby Enacted by the authority of the Same, That all the Estate Real and personal of the said Robert Levingston, shall stand and be, and is hereby Declared to stand and be Charged and Chargeable with the said Sum of Seventeen Thousand Sixty nine pounds, nineteen shillings and two pence farthing, and all and every the Sum and Sums of money received of Coll Dongan, late Govr, of this Province for the Expedition at Albany in ye said Govrs time, and all and every the Sum and Sums of mony he the said Levingston or his assigns, hath or have reced by virtue or colour of any order or orders, warrant or warrants by his Majty, or by any Governor of this province, and all and every the Sum and Sums of mony he the said Robert Livingston hath reced by virtue or colour of his being Secretary of the Indian affaires, and also the goods, Wares, merchandizes, Sum and Sums of mony he had reced and took from Peter Bogardus and Coll Joachim Staats at Albany belonging to his Matys Treasury of this Province, in the year One thousand Six hundred and ninety, as a Debt to our Sovereign Lord the King, his Heires and Successors, and that the Same shall be levyed of all and singular the Lands, Tenements and hereditaments, Goods and Chattles whatsoever of him the said Robert Levingston, either in his own name, or to his use, or any wayes in trust for him, and that so much of the said Real and personal Estate of the said Robert Levingston as shall not Exceed the Sum of Seventeen thousand

Sixty nine pounds, nineteen shillings and two pence farthing, and all and every the Sum and Sums of mony received of Coll Dongan late Govr of this Province, for the Expedition at Albany in the Said Govrs. time, and all and every the Sum and Sums of mony he the said Levingston or his assigns have or hath reced by virtue or colour of any order or orders, warrant or warrants by his Majty, or by any Governour of this province, and all and every the sum and sums of money he the s'd Robert Levingston hath reced by virtue or colour of his being Secretary of the Indian affairs, and also the goods, Wares, Merchandizes, Sum and Sums of mony he had received and took from Peter Bogardus and Coll. Joachim Staats at Albany, belonging to his Matys Treasury of this Province, in the year One thousand Six hundred and ninety, is and is hereby declared to be Confiscated and forfeited to our Said Soveraigne Lord the King; Provided Nevertheless. That in Case the said Robert Levingston shall at any time or times before the five and twentieth day of March now next ensuing give in a full Accot in Writing unto the Said Comrs, or any three or more of them, of all his Receipts and Disbursements, and the grounds or Occasions of the same, together with direct answers in Writing to Such Questions in relation to his Accots, as shall be proposed to him in Writing by the said Comrs, or any three or more of them, who are hereby Impowered to Administer to him, and to all and every person and persons who can give any Evidence Concerning the Same, one or more Oath or Oaths to that purpose, which Oath and Oaths, w'th the Answer and Answers thereunto, shall be given in evidence in the Supream Court or elsewhere, as occasion shall require, In Such case, Immediately from and after the perfecting the said Accot, within the time above Lymitted and appointed for the Same, the said Robert Levingston and his real and personal Estate shall be and are hereby declared to be Exonerated, acquitted and Discharged of and from so much of the said Sum of Seventeen thousand Sixty nine pounds, nineteen shillings and two pence farthing, and of all and every the Sum and Sums of mony received of Col Dongan late Govr of this Province for the Expedition at Albany in ye said Govrs time, and all and every the sum and Sums of mony he the said Levingston, or his assignes, have or hath reced by virtue or colour of any order or orders, warrant or warrants by his Majtie, or by any Governour of this province, and all and every the sum and sums of money he the said Robert Livingston hath reced by virtue or colour of his being Secry of the Indian affairs, and also the goods, Wares, Merchandises, Sum and Sums of

mony he had rece'd and took from Peter Bogardus and Coll Joachim Staats at Albany, belonging to his Matys Treasury of this Province, in the year One thousand Six hundred and ninety, as he the said Robert Livingston shall make appear to have discharged by his accot, upon Oath, not disproved before the said Comrs and the Said Robert Levingston and his Estate shall remain and be Charged & Chargeable only with Such Ballance of the said Accot as shall be reported by the said Comrs, or any three or more of them before the Govr and Council, and shall appear to be due on Examination in the Supream Court of this Province, any thing in this Act to the Contrary thereof in any wise notwithstanding.

[CHAPTER 99.]

[Chapter 99, of Livingston & Smith and Van Schaack, where the act is printed in full. Printed in full in Brinley's Bradford, pp. 166, 199; Baskett, p. 48. The act was confirmed by the Queen May 20, 1708. (See Fowler's Bradford, p. CXXXVIII.)]

An Act for Allowance to the Representatives,

[Passed, October 18, 1701.]

WHEREAS the Severall Representatives of the people of this province cannot officiate and Discharge that Honble and great Trust Reposed in them without being at Charge and Expence Be it Enacted by his Hon'r the Leiut Gov'r and Concil, and Representatives Convened in Generall Assembly, and it is hereby Enacted by the Authority aforesaid, That the Wages or Allowance to each Representative of the people from the first day of this Sessions, and for ever hereafter, shall be Six shillings Currant money of this Province P Diem, to Comence from their coming out till their Return home, Always provided, it shall not Exceed Eight dayes after their adjourning, Prorogueing or Dissolving the Same. And be it further Enacted by the Authority aforesaid, That each Respective City and County through out this Province shall bear and defray the Charge of their own Representatives, which Charge or Allowance, as aforesaid, shall be paid to the Respective Representatives by the Treasurer of each respective City and County, by Warrant under the hand & Seal of the Mayor of the Respective Cities, for the time being, and by Warrant of any two Justices, of the peace to the Treasurer of the respective Countyes after the Return of the Said Representatives from the Assembly, within tenn days after ye Collecting of the publick and necessary Charge of each respective City and County, as is Directed in

an act passed this present Sessions Entituled, An Act for Repealing an Act of Assembly of this Province, Entituled an Act for defraying the publick and necessary Charge thro'out this Province, for maintaining the poor, & preventing Vagabonds, and for the appointing more Effectual means for defraying the publick & necessary Charge in each City and County, and for maintaining the poor & preventing Vagabonds, in Such way and manner as the publick & necessary Charge of each City and County in this Province is defrayed and Raised. And Be it further Enacted by the Authority aforesaid, that the Act of Assembly made in ye year of our Lord One thousand Six hundred Ninety one Entituled An Act for Allowance to the Representatives, be and is hereby Repealed, Vacated and made Null, as if Such Act had never been made. Provided always and be it further Enacted, That all and every person and persons that have any Money due from any City or County in this Province for Service as a Representative, shall be paid Such Sum as in the above Recited Acts, hereby repealed, is Directed, and that the Same be paid in such way and manner as all other publick Charges of the respective Cities and Counties are defrayed, by Such Lawes as now are or hereafter shall be Established within this Province, any thing to the Contrary hereof in these Presents Contained in any wayes notwithstanding. Provided, that nothing be demanded for Such Service before the Year of our Lord One thousand Six hundred Ninety Eight any Law, Usage or Custom to the Contrary hereof in any wise notwithstanding.

[CHAPTER 100.]

[Chapter 100, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Brinley's Bradford, pp. 157, 190. Title only is printed in Baskett, p. 52. The act expired October 18, 1703. Baskett states that the act was repealed.]

An Act for granting an Additional Duty to his Maty.

[Passed, October 18, 1701.]

The Representatives of this Province now in General Assembly Convened, taking into their Serious Consideration how much the Treasury of this Province is Exhausted, and being willing that the Credit thereof should not Sink, but be Supported, and Considering the many and great favours his most Sacred Ma'ty hath been Graciously pleased from time to time to bestow upon this Province and the People thereof. Now that his Ma'tys Fatherly care over this Province might meet with a

gratefull Return of his Subjects here, the Representatives of this Province most humbly pray that it may be ENACTED, And be it Enacted by his Hon'r the Leiu't Gov'r and Council, and Representatives now in General Assembly Conven'd, and by the authority of the same, That there shall be raised, Collected and paid unto his ma'ty for and During the Space and Term of two years, from and after the Publication of this Act, and no longer, the Several Rates and Duties hereinafter mentioned, over and above all other Duties, Charges, Imposition, Rates and Customs by any former Act or Acts Set, Established and Imposed (for and toward the Support of this Goverm't and Contingent Charges thereof, and Such other uses as are hereinafter Expressed) That is to Say, the Rate, Duty and Custom of Six per Cent upon all Goods, Wares and Merchandises of the growth, produce or Manufacture of Europe, that shall from and after the publication hereof be Imported into this Province and Dependencies, from any other Port or place than his Ma'tys Kingdom of England, Dominion of Wales, Town of Berwick upon Tweed. And also, the Rate, Duty and Custom of Ten Shillings Currant mony aforesaid for each pipe of Wine that shall be Imported into this Province, as aforesaid, and so in proportion for a greater or lesser quantity. And the Sum of Thirty Shillings Currant mony aforesaid for each Pipe of Wine that shall be Imported, as aforesaid, from any other Port or place than the part and place where the said Wine was made, & so in proportion for a greater or lesser Quantity. And the Sum of one half penny Currant Money aforesaid for each Gallon of Rum Imported as aforesaid. And the Sum of Twe pence Currant Money aforesaid for each gallon of rum that shall be Imported as aforesaid from any other part or place than the part and place where the said Rum is made and distilled. And the Sum of three Shillings Currant money aforesaid for each barrel of Beer that shall be Imported as aforesaid, and so in proportion for a greater or lesser quantity. And be it further Enacted by the authority aforesaid, That the Several rates and Duties hereby Imposed on the Goods, Wares, Merchandises and Liquors aforesaid shall be raised, Levyed and Collected, Recovered and paid unto his Ma'tys Collector and Receiver General for the time being, during the time before mentioned, in the same manner and form, and by such Rules, allowances wayes, and under such penalties, fines and forfeitures as are mentioned, Expressed and directed in and by an Act of General Assembly of this Province made in the Eleaventh year of his Ma'tys Reign, Entituled; an Act for Granting unto his Maty Several Duties for

the defraying the publick Charge of the Goverment after the time Limitted in an Act Confirming and Continuing unto their Ma'tys the Revenue Established by an Act of Generall Assembly for defraying the publick and necessary Charges of the Government, is Expired, in as full and ample Manner as if the same were particularly recited in this Act, any thing to the Contrary hereof in any wayes notwithstanding. And whereas the Representatives now in Genéral Assembly Conven'd having Considered the vast Charge and Expences his Hon'r the Leiut Gov'r is and for some time Since hath been at, for his Ma'tys Service, and the good of this Province, they do therefore humbly pray that it may be Enacted, and it is hereby Enacted by the Authority aforesaid, That there be paid Yearly and Every year during the Continuance of this Act, in four equall quarterly payments, as an Additional Sallary out of the Rates and Duties hereinbefore Expressed, to his Hon'r the Leiu't Gov'r, the Sum of one hundred and forty pounds per Annum; and the said House of Representatives also Considering the great Charge and Expence William Atwood, Esq'r Cheif Justice, hath been at to transport himself to this Province, and taking notice of his Abilities and readiness to Serve his Ma'ty in this Province, humbly pray it may be Enacted, and it is hereby Enacted by the Authority aforesaid, That the Sum of Seventy pounds Currant money of this Province, be added unto the Yearly Sallary of the said William Atwood, Esq'r Cheif Justice, during the Continuance of this Act, to be paid unto him Yearly and every Year in four equall Quarterly payments, out of the Rates and Duties aforemenconed. Provided alwayes, and be it further Enacted, That this shall not be taken into Consequence or Example by the said William Atwood, Esq'r, Cheif Justice, or any Cheif Justice of this Province, for the time being, for the future. And whereas it will be to the Hon'r of Almighty God, as well as the Good & Wellfare of this Province, that the five Nations of Indians at Albany, should be Instructed in the holy Protestant Religion. And whereas Bernardus Freeman, Minister of the Gospel at Schenectady in the County of Albany hath for some time Since and does still make it his great Study to Instruct them therein, the Representatives humbly pray that it may be Enacted And it is hereby Enacted by the Authority aforesaid, That the Sum of Sixty pounds per Annum be paid out of the Duties arising by this Act unto the said Bernardus ffreeman, as his Sallary, for instructing the said Indians and the Sum of ffifteen pounds P annum for his Charge and Expence therein, to be paid in four

equall quarterly payments, to be accounted from the Twenty fifth day of August last, till the Twenty fifth day of August in the year One thousand Seaven hundred and three. And whereas it is very necessary that Lawrence Claessen the Sworn Indian Interpreter should be Encouraged to Continue his Services to this Goverm't, The Representatives most humbly pray that it may be Enacted, And it is hereby Enacted by the Authority aforesaid, That the Sum of Twenty five pounds per anı um be paid unto the said Lawrence Claessen out of the Duties arising by this Act, During the Continuance thereof in four equall quarterly payments to Commence as aforesaid, for and in Consideration whereof, he is to Interpret all Conferences held at Albany, and Assist Bernardus Freeman aforesaid in his Instructing the Indians; and if the said Lawrence be sent on other Expedition, as Interpreter, he is to be allowed for the same in Such way and manner as to the Govern'r and Council shall Seem meet, any thing to the Contrary hereof in any ways notwithstanding. And whereas by an Act of the General Assembly made in the Eleventh year of his Ma'tys Reign, Entituled, an Act for Granting unto his Ma'ty Several Duties for the defraying the publick Charge of the Goverm't after the time Limitted in an Act Confirming and Continuing unto their Ma'tys the Revenue, Established by an Act of Generall Assembly for defraying the publick and necessary Charges of the Govermen't, for the time therein menconed and Expressed, it is amongst other things Enacted, that there be given and Granted unto his Ma'ty the Duty of Excise upon all Liquors retailed throughout the Province and Dependencies aforesaid, under the quantity of five Gallons (the Sum of Twelve pence Currant Money aforesaid, for each gallon So retailed (Beer and Syder only Excepted) leaving it Doubtfull whether a person Selling five Gallons and upwards of the Liquors therein mentioned and Expressed, and Suffering the Same to be carryed or Conveyed from his House in lesser quantity than five Gallons, should Incurr the penalty of the said Act, Be it therefore Enacted, and it is hereby Enacted by the Authority aforesaid, That if any person or persons within this Province and Dependencies shall from and after the publicacon hereof, Suffer any quantity of the Liquors menconed in said Act, and Sold by him, to be carryed or Conveyed out of his House under the quantity of five Gallons at one time, notwithstanding any Sale or pretended Sale for a greater quantity, shall be lyable to the forfeitures menconed in the said Act, any thing to the Contrary hereof in any wayes notwithstanding.

[CHAPTER 101.]

[Chapter 101, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Brinley's Bradford, pp. 167, 200; Baskett, p. 50. The act was confirmed by the Queen, May 20, 1708. (See, also, chapter 753.)]

An Act for the Setling & Amending the highwayes and Roads in the County of Ulster.

[Passed, October 18, 1701.]

WHEREAS the highwayes & Roads by overrunning of Creeks and Removeing of Sands, in the County of Ulster, are often times Spoiled by the Floods of Water in the Spring of the year, whereby the Inhabitants are necessitated to mend or provide other Convenient highwayes and Roads. And whereas great disputes do arise Concerning the Same amongst the said Inhabitants, Be it Enacted by his Hon'r the Leiut Gov'r & Council and Representatives of the Province of New York in General Assembly Convened, And it hereby Enacted by the Authority of the Same, That the Respective Justices of the Peace of the County of Ulster are hereby fully Impowered and Comanded, from time to time, to appoint Such and So many Surveyors of the highwayes and Roads in the said County in each Town respectively, as they shall think fitt to Survey the highwayes and Roads in the said County, each Surveyor or Surveyors respectively to be for the Town for which he or they shall be appointed Surveyor or Survey'rs, and where they find the said highways and roads or any of them Deficient, or that a new one or new ones ought to be made, to report the Same to the Justices aforesaid, who are hereby Directed with all Convenient Speed to Cause the said highwayes and Roads to be amended or Altered, Accordingly. And if it should happen that any Such highwayes or Roads should be directed by the Survey'r or Survey'rs aforesaid, to be laid out for the good of the Inhabitants of said County, or of any Town in the Same, through the Lands or possessions of any particular person or persons, Be it Enacted by the Authority aforesaid, That the sayd Justices of the Peace, or any three or more, are hereby Impowered in such Case to Issue their Warrant or warrants, under their hands and Seals to the high Sheriff, of ye said County, Comanding him to Cause to come before them the said Justices or any three or more of them, Twelve good and Lawful men of his Bailywick, who are to Consider of the Damages any person or persons shall or may Sustain by Such highwayes & Roads running or being laid out through his, her or their Lands, which said Damages are to be made good to him

her or them by Assessment to be raised, Levyed, Collected and paid by Such Town, Vicinage or person or persons whatsoever, in equall proportions to the benefit he she or they shall Receive by the said highwayes or Roads, the Same to be paid to the Treasurer of the Respective towns in the said County within Forty dayes after the Assessment made, to be disposed by warrant under the hands and Seals of three or more Justices of the Peace of Said County, to Such person or persons respectively through whose Lands the said highwayes and Roads shall happen to come, in due proportion according to the Quantity of the Land he or they loose thereby, to be adjudged by twelve men as aforesaid And Be it further Enacted by the Authority aforesaid, that upon such Survey made, as aforesaid, and Such Estimate had, and the money paid, as aforesaid, the Justices of peace of the said County are hereby required and fully Impowered to enter Such highwayes or Roads upon Record, and to Establish them publick wayes for the Comon good of the County aforesaid, any Law, Usage or Custom to the Contrary notwithstanding.

Provided alwayes, and be it Enacted by the Authority aforesaid, That the Twelve men Returned as aforesaid, and every of them, shall before they proceed to the Estimate aforesaid, take an Oath for the due and Impartiall Estimation of the damages aforesaid, and the due proportions of the payments thereof, before the Justices of the Peace, or any three or more, who are hereby fully Authorized and Impowered to Administer the Same Accordingly, any Law, usage or Custom to the Contrary notwithstanding.

[CHAPTER 102.]

[Chapter 102, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Brinley's Bradford, pp. 165, 198. Title only is printed in Baskett, p. 52. The portion of the original law containing the signature of the Governor and the date of passage is torn from the original. From the Minutes of the Council, it appears that the act was signed by the Governor, October 18, 1701. (See Journals of Legislative Council, p. 171. This act was repealed by chapter 113.]

AN Act for the destroying of Wolves in the Countys of West Chester and Ulster.

[Passed, October 18, 1701.]

Be it Enacted by his Hon'r the Leiu't Gov'r & Council & Representatives in this Generall Assembly Conven'd, and it is hereby Enacted by the authority of the Same, That for the destroying of Wolves, which have lately increased very much, to the great Discouragement of Pastorage, & of the Increase of Sheep

and Cattle; that whatsoever Christian shall kill a grown Wolf in the County of Ulster, he shall have for each Wolf that shall be Killed by him Nine Shillings Currant money of this Province, & for a Wolfs Whelp there shall be paid ffive shillings like Mony; and whatsoever Christian shall kill a grown Wolf in the County of West Chester, he shall have for each Wolf that shall be killed by him fifteen shillings Currant money, as aforesaid, and for a Wolfes whelp there shall be paid Eight shillings like money, and the Justices of the peace of the respective Countyes are hereby required out of their respective County Rates to Cause the respective Sum aforemenconed, in their respective Countyes, to be paid once every year at Such time as they shall think most Convenient; and if any Justice of the peace in the Countys respectively shall refuse or neglect to cause the payments Establisht by this Act to be duely paid once in every year, he shall forfeit to ye party grieved five pounds, to be recovered in the Court of Comon pleas of the respective Countys, where no Essoin, protection, wager of Law or more than one Imparlance shall be allowed.

[CHAPTER 103.]

[Chapter 103, of Livingston & Smith and Van Schaack, where the act is printed in full. Printed in full in Brinley's Bradford, pp. 167, 200; Baskett, p. 49.]

An Act to oblige the owners & possessors of unimproved Lands in the County of Albany, West Chester, Richmond and Orange, to pay the proportion of their Quit-Rents and Taxes raised for the Support of the Goverment, and other County Charges.

[Passed, October 18, 1701.]

WHEREAS Severall persons within the Countys of Albany, Westchester, & Richmond have great quantitys of Vacant and unimproved Lands, for which they have not, for many years last past, paid & and even refused to pay their proportions of the Quit-Rents, Taxes raised for the Support of the Government, and other Rates and Charges, to the grevious damage of the rest of the Inhabitants in the Countyes aforesaid, under a pretence that the said Lands lay Vacant and unimproved, and that they had no benefit by them, or Income from them. And whereas many of the Owners of the Said Lands do not Inhabit within the said Countyes, and have not goods and Chattles within the Same to levy and distrain upon their proportion of the said

Quit-Rents, Taxes raised for the Support of ye Goverm't and other Rates and Charges, Be it Enacted by his Hon'r the Leiu't Gov'r and Council, and Representatives now in General Assembly Convened, and It is hereby Enacted by the Authority of the Same, That all and every person owning Such Vacant and unimproved Lands within the Countys aforesaid who do not take care to pay their proportion of the Quit-Rents and of Taxes now or hereafter to be raised for the Support of the Government, and other Rates and Charges, within Such time as the Law shall and doth Direct, that then and in Such Case it shall and may be lawfull for the Inhabitants of Said Countys Respectively to enter upon the said Lands, not being inclosed, and therein to Cut Wood and Timber for their own use and uses, without being therefore Sued, troubled or molested, in the same manner as if the s'd Lands were in Comon and unappropriated, any Law, Usage or Custom to the Contrary hereof in any wayes not withstanding. Provided also, That if any person or persons having Lands as aforesaid in the County of Orange shall refuse to pay his her or their proportion, as aforesaid, the Justices of the peace of the said County or any of them, or Such person or persons as shall be Imployed by them is and are hereby Impowered to Sue the person or persons so refusing and neglecting, in the Countys where they do live, as in an Action of Debt, and the Several Judges, Justices & Courts are hereby Authorized and Comanded to hear and determine Such Suite, any Law, Usage or Custom to the Contrary notwithstanding.

[CHAPTER 104.]

[Chapter 104, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Brinley's Bradford, pp. 160, 193. Title only is printed in Baskett, p. 52.]

An Act for ye Speedy repairing ye ffforts of Albany and Schenectady.

[Passed, October 18, 1701.]

WHEREAS by Virtue of an Act of the last General Assembly of this Province, Entituled, an Act for repealing an Act of Assembly, Entituled, an Act, for ye better Securing ye five Nations of Indians in their fidelity to his Ma'ty, and for Granting unto his Mat'y the Sum of one Thousand pounds, for building a ffort for the Security of the five Nations of Indians, the Said Sum of one thousand pounds hath been raised over & above the Sum of ffive hundred pounds Raised for the same

use, before ye first menconed Act was repealed; and whereas by reason of the absence of the Engineer out of this Province, and the farr advance of the Winter Season, and the Immediate necessity of putting the frontieers of this Province into a State of Defence, it is found requisite to defer the building the said Intended ffort till there may be a more Convenient oppertunity Be it therefore Enacted by his Hon'r ye Leiu't Gov'r and Council, and Representatives in General Assembly Convened, and it is hereby Enacted by the Authority aforesaid, That the Sum of Two hundred pounds be and is hereby Declared to be borrowed out of ye said Sum of one Thousand pounds for the ends and purposes hereinafter menconed, that is to say, the Sum of One hundred and ffifty pounds, part thereof shall be and is hereby Declared to be for and towards the Immediate Repairing the ffort of Albany, and the sum of ffifty pounds shall be, and is hereby Declared to be for and towards the Immediate repairing the ffort of Schenectady. And be it further Enacted by the Authority aforesaid that John Bleeker, Sen'r Hendrick Hansen and Peter Van Brugh, Esq'rs be and are hereby appointed mannagers of and for the repairing the said ffort of Albany, under the Direction of his Hon'r the Leiu't Gov'r and that Ryer Schermerhorn, Esq'r and Isaac Switz be and are hereby Appointed managers of and for the repairing the said ffort of Schenectady under Directions as aforesaid; and in case of the Death or other Disability, of any or either of the said Mannagers, the Gov'r or Comander in Cheif of this Province for the time being, may and shall nominate and appoint another or other fit person or persons in the room or stead of him or them so dying or being otherwise Disabled, as aforesaid. Be it likewise Enacted by the Authority aforesaid, That the said Sum of Two hundred pounds so borrowed as aforesaid shall be and is hereby Declared to be a publick Debt, and that the same shall be payable and be paid and Satisfied out of ye next aids or Supplies to be granted unto his Ma'ty in any following Session of the General Assembly of this province, & shall be transferred and transferrable thereunto as soon as Such aid or Supply shall be Granted

THE EIGHTH ASSEMBLY.

Second Session.

(Begun Apr. 20, 1702, 1 Anne, John Nanfan, Esq., Lieut. Governor.)

[CHAPTER 105.]

[Chapter 105, of Livingston & Smith and Van Schaack, where the title only is printed. This act is not printed in any edition of Bradford or in Baskett. Livingston & Smith and Van Schaack, state that the act was repealed by the Queen, December 31, 1702. See letter of Governor Corubury to Lords of Trade, recommending the repeal of chapters 105 to 111, except chapter 111. Doc. Rel t.o Col. Hist., IV, p. 999.) Chapters 105 to 110, inclusive after their disapproval, were taken from the Secretary's office, pursuant to Governor Corubury's order. (See Letter of Lords of Trade, to Governor Corubury, censuring him for doing so, in Doc. Rel. to Col. Hist., IV, p. 1066.) They were evidently returned, as the originals are now there. Livingston & Smith and Van Schaack give the date of its passage as April 12, 1702, but from the Minutes of the Council it appears that the act was signed by the Governor, April 30, 1702. (See Journals of Legislative Council, p. 173.)]

An Act for Outlawing Phillip French and Thomas Wenham Merchants and enforceing Process of Outlawry.

[Passed, April 30, 1702.]

WHEREAS Phillip French and Thomas Wenham of New york Merchants were at the last Supream Court of Judicature of this Province by a Grand Jury of the Neighbourhood Severally Indicted of an high misdemeanor and offence against his Ma'ty, and the Administracon of the Goverment here, and being Conscious of their Crimes and hopeing to avoid all punishment for the Same, before Such s'd Indictments were found withdrew, & have Continued out of this Province, so that Processe could not be Served upon them to Oblige them to plead to the Severall Indictments. And whereas the want of Process of outlawry in Criminal and Civil Causes is a Manifest Defect in the Execucon of the Law within this Province, and the rather because of frequent departures into Neighbouring Provinces and other places in America where no process from hence can reach. BE it therefore Enacted and it is hereby Enacted by the Leiu't Gov'r and Council and representatives in Generall Assembly Conven'd and by the authority of the Same that the said Phillip French and Thomas Wenham be and are hereby declared & adjudged to be outlawed to all Intents and purposes according to the Effect of Outlawries within the Kingdome of England, Provided alwayes that if the said Phillip ffrench and Thomas Wenham or either of them shall Surrender

him or themselves before the Cheif Justice of this Province on or before the tenth day of May in the pr'sent year one thousand seaven hundred and two and Respectively enter into Recognizance with sufficient Security to our Lord the King in Such Sum as to the said Cheif Justice Shall Seem meet, to answer plead and be tryed upon the said Indictment within Such reasonable time as the said Chief Justice shall direct by Speciall Commission or otherwise and also to be of good behavour for twelve months then next ensueing that then and in such Case he or they So surrendering him or themselves and entering into Recognizance as aforesaid shal be acquitted and discharged of the penaltys of this Act. And that from henceforth in Case any person or persons resideing within this Province at the time of Issueing any process to answer any matter Civil or Criminal shall after personal notice of Such process or left in writeing at the place of his or her usuall Residence wilfully Depart out of this Province into any Neighbouring Province or other place in America and shall not within Six months after Such notice appear to the Action in the proper County and put in Speciall Bayl if the matter So require or Surrender him or herself to Prison in Such Case from and after Proclamacon made thereof by the Sheriff in the Town or Parish where the party did at the time of the first notice reside in the presence of three or more of the Same Town or Parish and within twenty dayes after such Proclamacon returned into the Supream Court at New york and there Recorded the person and persons against whom such Proclamacon as aforesaid shall be published returned and Recorded shal be deemed and adjudged Outlawed to all Intents and purposes according to the Effect of Outlawries within the Kingdome of England any Law Statute or usage to the Contrary thereof in any wise notwithstanding. And whereas divers persons against whom Just Cause of Suit hath arisen or may arise within this Province have Estates here but usually reside in Some neighbouring Province or other place in America as to all and every Such person & persons notice left with ye Tenn't or Tenn'ts of such Estate or at his or her place of residence shall have ye Same Effect as if left w'th the party against whom any Suits shall be Comenced or at the place of his or her residence, And in Case there be no tenn't or tenn'ts of any part of such Estate in that Case, notice as aforesaid shall be left with the next Neighbour or at the Inhabited House next adjoineing thereunto and in Case such Tenem't or Neighbour shall neglect to give notice to the party against whom Such Suits shal be Comenced (of which such notice he or she shall pay the reasonable Charge) he or

she shall recover his or her damage occasioned by want of due notice against the party who neglected to give the Same and in Case the person Concerned shall refuse or neglect to pay the Charge of Such notice it shal be Lawfull for the next Justice of the Peace and he is hereby required forthwith upon applycacon to grant one or more Warrant or Warr'ts for raising the reasonable Charge of Such notice by distresse and Sale of Stock & goods upon the premisses & returning the overplus to the party Provided nevertheless That if the party against whom Proclamacon as aforesaid shall be made shall within twenty days after Such publicacon thereof appear to the action and put in Speciall Bayl if the matter So require or Surrender him or herself to prison such person or persons shall not be accounted or adjudged outlawed and that all and every outlawry and outlawries So as above said Incurred shall and may be reversed and Annulled in like manner as outlawries within the Kingdome of England are and may be reversed and Annulled.

[CHAPTER 106.]

[Chapter 106, of Livingston & Smith and Van Schaack, where the title only is printed. This act is not printed in any edition of Bradford or in Baskett. Livingston & Smith and Van Schaack, state that the act was repealed by the Queen, December 31, 1702. (See note to ch. 105.)]

An Act for Augmenting the number of Representatives of this Province to Serve in the Generall Assembly.

[Passed, May 1, 1702.]

The House of Representatives now in Generall Assembly Conven'd takeing into their Serious Consideracons the great advantages that Accrue to this Province by the frequent meeting of the General Assembly thereof. Now to the end that the Several Citys and Countyes of this Province may in a better proporcon Send Representatives to the Generall Assembly. Bee it Enacted by the Leiu't Gov'r and Council and Representatives now in Generall Assembly Conven'd and it is hereby Enacted by the Authority aforesaid that the proporcon of Members to come to any future Assembly of our Lord the King in this Province shal be according to the number hereafter Expressed, & not otherwise. That is to Say, for the City and County of New york Six for the City and County of Albany five, that is to say for the Town of Schenectady, Nistigionne & half moon in the Said County one, for the Town of Kinderhook & all that part of the County that lyes to the Southward of Renslaerwick in the Said County, one; for the Mannor of Renslaerwick in

the said County one, and two for the City of Albany aforesaid for the County of Soffolk two, for Queens County two, for Kings County two, for the County of West Chester two, for the County of Ulster two, for the County of Richmond, two & for the County of Orange two any Law, usage, or Custom to the Contrary hereof in any wayes notwithstanding. Provided alwaies and Be it further Enacted that this Act nor any Article or Clause therein Conteined shal be Construed to be of any force before the Dissolucon of this present Assembly. And be it further Enacted by the authority aforesaid that the Members aforesaid be Elected Chosen & returned According to the Laws of this Province, in that Case provided, And be it further Enacted by the authority aforesaid that the Town of Schenectady Nistigionne and half Moon, and the Town of Kinderhook and all that part of the Colony of Renslaerwyck shall and may Elect any Sufficient ffreeholder of the City and County of Albany to Represent either of the said Towns if they so think fit any Law usage or Custom to the Contrary hereof in any wayes notwithstanding

[CHAPTER 107.]

[Chapter 107, of Livingston & Smith and Van Schaack, where the title only is printed. This act is not printed in any edition of Bradford or in Baskett. Livingston & Smith and Van Schaack, state that the act was repealed by the Queen, December 31, 1702. (See note to ch. 105.)]

An Act for paying the Debts of this Goverment made in the time of the late happy Revolucon

[Passed, May 1, 1702.]

WHEREAS Jacob Leisler Esq'r Deceased late Comander in Cheif of this Province together with divers other good & Leige Subjects of our Lord the King in this Province did in the time of the late happy Revolucon that is to say in the year One Thousand Six hundred Eighty Nine and one Thousand Six hundred and Ninety Expend lay out and pay divers great and Considerable Sums of mony for the defence of this Province in the last Warr and other good Subjects haveing Exposed their persons as officers and Souldiers on ye frontieers of this Goverment for which they nor either of them have hitherto had any Satisfacon or payment to ye great Greivance and ruine of the said Jacob Leisler his Heires and others therein Concerned as aforesaid to the great discredit of this Province and the discouragemt of others to advance their Estates for the Defence of this Goverment and whereas the last House of Representatives did by their Addresse to his Excel Richard Earl of Bellomont late Gov'r of this Province desire the said Earl to lay before his Ma'ty their

humble request for the paym't of Twenty Seaven hundred pounds to the Heir of the said Jacob Leisler and that care ought to be taken for the payment of all other the debts due in the time aforesaid. And whereas his Most Sacred Ma'ty has been graciously pleased upon the Peticon of Jacob Leisler Son and heir of the said Jacob Leisler Esq'r Deced by the Right Hon'ble the Earl of Jarsey then his Ma'tys principle Secretary of State his Letter to the Gov'r of this Province in these words. My Lord the King being moved upon the Peticon of Mr. Jacob Leisler and haveing a Gracious Sence of his ffathers Severall Sufferings and the ill Circumstances the Pet'r and his Family are thereby reduced to his Ma'ty is pleas'd to direct that the same be transmitted to yo'r Lordship and that you recomend his Case to the Generall Assembly of New York being the only place where he can be Reliev'd & the prayer of his Peticon Comply'd with To direct that the same should be recomended to the Generall Assembly of this Province and the House of Representatives now in Generall Assembly Conven'd being willing to Comply with his Ma'tys Comands and also Considering the great Services of the said Jacob Leisler Dec'd Bee it therefor Enacted by the Gov'r Council & Representatives in Generall Assembly Conven'd and it is hereby Enacted by the authority of the same That the Sum of One thousand pounds Currant mony of this Province be laid Assessed Levy'd and raised upon all and every the ffreeholders Inhabitants Residenters and Sojourners of and in this Province for paying part of the said Twenty Seaven hundred pounds due to Jacob Leister according to his Ma'tys Said Directions and for no other use whatsoever which said Sum of one thousand pounds Currant mony aforesaid shall be raised Assessed Colected Levy'd and paid unto his Ma'tys Collect'r and Receiver Generall of this Province for ye time being at the City of New York at or before the first day of November in the present year of our Lord One thousand Seaven hundred and two in Such manner and according to the respective Quota's and proporcons following That is to say for the City and County of New York Two hundred Eighty and five pounds and ten shillings, for ye County of West Chester ffifty one pounds ffourteen shillings, for the County of Richmond Twenty three pounds and tenn shillings, for Kings County one hundred twenty three pounds, for Queens County one hundred Seaventy Six pounds tenn shillings for ye County of Suffolk one hundred Eighty Six pounds four shillings for Ulster and Dutchesse County Eighty four pounds twelve shillings for Orange County nine pounds for the City and County of Albany Sixty pounds all of the Currant mony aforesaid and for the due and better

Assessing Levying and paying the aforesaid Sum of One thousand pounds Currant mony aforesaid Bee it further Enacted by the Authority aforesaid That the May'r or Recorder & Aldermen of the Cities of New york & Albany or the maj'r part of them the Justices of the Peace for the time being or the major part of them for the Severall respective Counties aforesaid for which they shall be Justices of the Peace, do within twenty dayes after ye publicacon hereof, Assemble and meet together in the Court House for the severall and respective Cityes and Countyes, or Such other place or places as they Shall agree upon among themselves and shall there order that the Assessors and Collectors for the Cities of New york & Albany and the Severall and respective Townes Man'rs or Liberties within their Severall Jurisdiccons for the assessing Collecting and receiving of the publick rates for the Defraying of the publick Charge of each respectve City and County aforesaid shall be ye Assessors & Collect'r for ye Assessing Collecting & Receiving ye Sum or Sums of mony hereinbefore menconed according to the proporcons beforeExpresed as to ye said May'rs Recorders Aldermen & Justices shall seem meet & reasonable And for as much as there are Severall Towns Man'rs & Jurisdiccons w'thin ye respective Counties aforesaid who refuse or do not Elect Annually or once every year Assessors or Collect'rs whereby ye Intent of this Act may be Evaded & frustrated Be it therefore Enacted by the Authority aforesaid That if any of the respective Towns Man'rs & Jurisdiccons within ye Severall Counties aforesaid shall refuse neglect Delay or deny to Choose or Elect Assessors & Collect'rs for the Assessing of their Severall & respective Towns Mann'rs & Jurisdiccons & for ye Collecting of ye Same According to the true Intent & Meaning & Directions of this Act then and in Such Case it shall & may be Lawfull for the Justices of ye Peace or any two of them in the Counties where such Towns Mann'rs & Jurisdiccons are & they are hereby Impowered & authorized to nominate & appoint assessors & Collect'rs for Such Towns Mann'rs and Jurisdiccons as shall refuse neglect Delay or deny as aforesaid which Assessors & Colect'rs so nominated and appointed in manner aforesaid shall to all Intents & purposes be deemed & Esteemed ye Assess'rs & Colectt'rs of ye said Man'rs Towns & Jurisdiccons and observe & Execute ye Direccons of this Act And Be it further Enacted by the Authority aforesaid That the said May'rs or Recorders and Aldermen the Justices of the Peace for the respective Cities and Counties as aforesaid have and shall have by Virtue of this Act full power and Authority each of them by himself to administer to Such Assessor or Assessors that shalbe Elected

and appointed in manner aforesaid an Oath that they shall well and truly equally Impartially and in due proporcon Assesse & rate the Estates reall and personall of the Inhabitants, Residents Sojourners and ffreeholders of the respective places for which they shalbe Chosen Elected nominated & appointed Assessors according to the best of their Skill and knowledge and that therein they will Spare no person for favour or affection or greive any person for hatred or ill will and the said Assessors are hereby required to deliver one Coppy of their Assessment fairely written & Subscribed by them unto the Said Justices or to the office of the Clerk of the Peace of the respective County to which they belong & the said Justices for each respective County or any two or more of them are hereby ordered and required to Cause the said Severall & respective Assessments to them Delivered to be fairely written and to Sign and Seal Severall Duplicates or Copies of the said Assessment, & one of them So Signed & Sealed forthwith Deliver or Cause to be Delivered unto the respective Collectors within the Severall & respective Cities and Counties aforesaid and shall likewise deliver or Cause to be delivered another faire Copy So Signed and Sealed, unto the Clerk of the Peace of the respective County to which they shall belong there to be filed and remaine upon Record and the Clerk of the Peace of each County is hereby required to transmit the Sum of the Assessment of each Town unto the Receiver Generall at New york for the time being within ten dayes next and after his receipt thereof under the penalty of ffive pounds for Such his Default. AND Be it further Enacted by the authority aforesaid That if any person or persons who shall be Chosen Elected nominated and appointed in manner aforesaid assessors or Colect'rs shall deny neglect refuse or delay to assess as by this Act is required or shall deny neglect refuse or delay to Collect any Sum or Sums of mony in forme before menconed Assessed that then in such Case it shall and may be Lawfull for any two Justices of ye Peace of the Cities and Counties where Such offendors shall happen to dwell or reside who by virtue of this Act are required & Impowered to do the Same by Warrant under their hands and Seales to Comitt Such Assessors or Collect'rs so denying refuseing neglecting or Delaying to Collect as aforesaid to the Comon Goale, there to remaine without Bail or mainprize till he or they shall make fine and Ransome to his Ma'ty for Such his Contempt as aforesaid and upon such his Comitment ye Justices or the Maj'r part of them are required Speedily to nominate and appoint other Collectors and Assessors in their Stead and room. And if any person or

persons Shall Shut their Doors or refuse to pay the Rates Assesed by Virtue of this Act made and provided where by this Act may Seem to be frustrated Bee it further Enacted by the authority aforesaid. That if any person or persons shall neglect or refuse to pay the Severall Rates and Assessments wherewith they are Charged by this Act of Generall Assembly for or in respect of his & their goods & Chattles Lands and Tenem'ts upon Demand of the Collect'rs that shalbe Chosen and appointed to receive the same or within tenn days next after the said Demand it shall and may be Lawfull to and for such Collectors & they are hereby required for nonpayment thereof by Warrant under the hand of two Justices of the Peace to destrain the person or persons so refuseing or neglecting to pay by his or their goods or Chattles or destrain in and upon the messages Lands and Tenements so Charged, & the goods and Chattles then and there found, and the Distress so taken to carry away, & the Same to Expose to Sale in the Town or County where Such Distress is made and for want of Buyers to carry the said Distresse to any other place in the Province for the Sale of the said Distress accordingly for the payment of the said Rate or assessment and the overplus coming by the Said Sale, if any be over & above the Charges of takeing & carrying away the said Distress to be Immediately returned to the owner thereof which said Charges to be Adjusted by two Justices of the Peace, and moreover it shall and may be Lawfull to breake open in the day time any House, and upon Warrant under the hands and Seals of any two or more Justices aforesaid any Chest Trunk or Box or other things where Such goods are, and call to their Assistance the Constables or any other persons within the respective Cities Counties, Towns, Mannr's & Jurisdiccons where any refusall neglect or resistance shalbe made, which officers and persons are hereby required to be aiding and assisting in ye premisses. And Bee it further Enacted by the Authority aforesaid. That if any May'r Recorder Alderman or Justice of the Peace within this Province who are hereby Required Impowered or Authorized to take Effectual Care, that this Act and every Article & Clause therein be duely Executed according to the true Intent & meaning thereof, shall neglect refuse or Delay to performe fulfill and Execute all & every the Duties powers and Authorities by this Act required and Impowered by him or them to be done performed fulfilled and Executed & shall thereof be Convicted before the Gov'r & Council or before any of his Ma'tys Courts of Record within this Province, he or they shall Suffer Such pain by ffine & Imprisonment, as by the Discretion of the Gov'r & Council or the Justices of the said

Courts shalbe adjudged. AND Bee it further Enacted by the Authority aforesaid That if any Accon Bill Plaint or Informacon shalbe brought moved or prosecuted at any time hereafter against any person or persons for any matter Clause or thing done or Acted in pursuance or Execucon of this Act Such person or persons So Sued or prosecuted in any Court w'tsoever shall and may plead the generall Issue not guilty & give this Act & the Speciall matter in Evidence. And if the Plaintiff or prosecutor shalbe nonsuited or forbear further prosecucon or Suffer Discontinuance or Verdict to pass against him the Defend't or Defend'ts shall recover treble Costs, for which they shall have the like remedy, as in Case where Costs by the Law are given to Defendants. Provided alwayes that no May'r Recorder Aldermen Justice of the Peace shalbe Sued prosecuted or molested for any omission offence or neglect by Virtue of this Act but within the Space of one year after Such Omission Offence or neglect & not at any time thereafter any thing therein Contained to the Contrary hereof in any wise notwithstanding.

And Bee it further Enacted by the Authority aforesaid that the Collector of this Province shall within tenn days next & after the Receipt of the mony aforesaid pay the Same unto the Said Jacob Leisler or his order he or they giveing a Receipt for the Same. And Be it further Enacted That for the paym't of the Sum of one thousand and Seaven hundred pounds part of the Twenty Seaven hundred pounds due to Mr. Leisler and also for the payment of all other the Debts aforesaid. Be it Enacted by the Authority aforesaid, that there shalbe raised Levyed, Collected paid and Sattisfied to his Ma'ty for the use aforesaid from and after the publicacon hereof untill the Eighteenth day of May which shalbe in the year of our Lord one thousand Seaven hundred and Six Inclusive the rates Duties and Impositions upon the goods Wares and Merchandizes hereinafter menconed in manner & form following (That is to Say) Upon every Negro or Indian Slave Imported in this Province from their own Countries ffifteen shillings upon every Negro or Indian Slave not directly Imported as aforemenconed Thirty shillings, upon every Barrell of Mackerell or ffish Imported into this Province Eighteen pence upon every hundred weight of hops three shillings Imported as aforesaid, upon every Bushell of Salt Imported as aforesaid, one penny half penny upon every half barrell of Flower Exported out of this Province three pence upon every thousand of pipe Staves Imported into this Province two shillings upon every thousand of hogshead Staves Imported as aforesaid one shilling. upon every hundred weight of Cocoa nuts Imported as aforesaid four

shillings. upon every hundred weight of Rice Imported as aforesaid one shilling. upon every Barrell of Pitch Imported as aforesaid two shillings. upon every Barrell of Tarr Imported as aforesaid one shilling. upon every firkin of Black Soape Imported as aforesaid Six pence, Upon every Gallon of Liquors Distilled in the neighbouring Colonys (Except Rum) from the West Indies Imported as aforesaid four pence half penny over and above all other Dutys already Imposed. AND Be it further Enacted by the Authority aforesaid That the Severall, Rates and Duties hereby Imposed on the goods Wares Merchandizes & Liquors shalbe raised Levyed Collected received and paid unto his Ma'tys Collector & Receiver Generall for the time being dureing the terme before menconed in the Same manner & forme and by Such rules allowances wayes and meanes & under Such penalties fines & forfeitures as are menconed Expressed and Directed in and by an Act of Generall Assembly made in the Eleaventh year of his Ma'tys Reign Entituled an Act for granting unto his Ma'ty Severall Duties for the defraying the Debts of the Goverment after ye time Lymitted in an Act Confirming & Continuing unto their Ma'ties ye Revenue Established by an act of Generall Assembly for defraying ye publick & necessary Charge of the Goverment is Expired in as full & ample manner as if the Same were particularly recited in this act any thing to the Contrary hereof in any wise notwithstanding, and for the better and more orderly Knowledge and Examinations of the Debts of this Goverm't made in the time aforesaid Be it Enacted by the Authority aforesaid that there be in each County appointed Com'rs to take State & Examin Such Acco't brought or to be brought before them with power to Examine ye person or persons So delivering his acco't upon Oath to the truth thereof & that they have not been in any wayes Sattisfied for the Same which, Com'rs are & are hereby appointed & Impowered to bee Hendrick Hansen, Johannes Bleeker, Thomas Williams, & Ryer Schermerhorn for the City and County of Albany, Maj'r Jacob Artsen, Boudewyn De Witt & Ruth Bleecker for the County of Ulster, Col. Gerrardus Beekman Maj'r Cornelius Van Brunt & Hendrick Veighte for Kings County, John Morgan Jaques Pouillon and Jacob Corsen for the County of Richmond, Cornelius Hearing and John Cuyper for the County of Orange, John Coe, John Lawrence and John Berian, for Queens County, Captain Evert Byrank, James Mott, & Thomas Baxter for the County of West Chester, Samuel Mulford John Weekes & Theophilus Howell for the County of Suffolk which accot's the said Com'rs are to Send to New york on or before the first day of November next unto the Com'rs appointed to

take State and Examine the publick Acco'ts of this Goverm't who are hereby nominated "Com'rs for the City & County of New York" and also Com'rs appointed to Settle the Generall Acco'ts thereof on or before the first day of December then next ensueing which being So made up shalbe Delivered to be allowed by Col. Abraham De Peyster, Samuel Staats, Robert Walter & William Atwood Esq'rs or any three of them & Signed by them or by any three of them shal be a Sufficient Warrant to the Collector for payment thereof And Be it further Enacted That no Acco'ts shalbe received by the said Com'rs after the first day of September next but Such person or persons So neglecting or Refuseing to have his or their Acco't and Acco'ts Stated & Examined Shalbe & is hereby for ever debarred to recover his or their pretensions and to the end that the Duties Arriseing by this Act may be duely applyed to Sattisfy the Debts aforesaid Be it Enacted by the Authority aforesaid, That his Ma'tys Collector & Receiver Generall do not Dispose or pay out any of the Sums ariseing by this Act Except the Thousand pounds aforesaid untill Such time That the said Abraham DePeyster Samuel Staates, Robert Walters & William Atwood Esq'rs, or any three of them shall have allowed the Acco'ts of the Debts aforesaid at which time ye money So rece'd is to be paid in due & equall proporcons to the Severall persons haveing his or their Acco'ts So allowed proportionable to their Debt which said payment the said Collector is hereby required & Impowered to make accordingly upon Warrant as aforesaid being Legally Discharged for the Same. And Be it further Enacted by the authority aforesaid, That after ye first payment made as aforesaid the said Collect'r is hereby Required and Impowered once in every Six months dureing the terme aforesaid out of the Duties ariseing by this Act to pay unto the person or persons whose Acco't or Acco'ts shalbe allowed as aforesaid the Sum by him Received by Virtue of this Act in the Six months aforesaid in due and equall proporcons Accordingly proportionable to his or their Debt, & so to Continue from Six months to Six months untill they be all paid or this Act Expired upon order Signed as aforesaid any thing to the Contrary hereof in any wise notw'thstanding and that the Collect'r do every Six months give Acco't of his Receipt of the Customes arising by this Act to the said Col Abraham DePeyster Samuel Staates Robert Walters & William Atwood Esq'rs or any two of them any Law usage or Custome to the Contrary hereof in any wise notwithstanding. And Be it further Enacted that upon the Death or Absence of any of the Said persons out of this Province it shall & may be Lawfull for Such as Survive or remaine in the Province to Join

unto them one or more persons as they shall think fitt to make up the number of four which persons So Chosen by them shall to all Intents & purposes be Invested w'th ye powers in this Act Given to the said persons now Nominated.

[CHAPTER 108.]

[Chapter 108, of Livingston & Smith and Van Schaack, where the title only is printed. This act is not printed in any edition of Bradford or in Baskett. Livingston & Smith and Van Schaick, state that the act was repealed by the Queen, December 31, 1702. (See note to ch. 105.)]

An Act for Continuing the Revenue Established by Law unto his Ma'ty for two yeares Longer.

[Passed, May 1, 1702.]

The Representatives now in General Assembly Convene'd Considering the many & great favours this Province does dayly receive from his most Sacred Ma'ty which ought to meet with a gratefull return from his Subjects in this Province do therefore humbly pray that it may be Enacted, and it is hereby Enacted by the Leiu't Gov'r & Council and Representatives now in Generall Assembly Convened, and by the Authority of the Same that the Revenue Establsht by an Act of General Assembly of this Province Entituled an Act for granting unto his Ma'ty Several Duties for the defraying the publick Charg of the Goverm't after ye time Limitted in an Act Entituled an Act Confirming & Continuing unto their Ma'tys the Revenue Establisht by an Act of General Assembly for defraying the publick & necessary Charge of the Goverment is Expired is and is hereby Continued for two yeares Longer than in the said Last menconed Act is Expressed in as full and Ample manner as if the said last menconed Act had been herein particularly Recited & Expressed the said Act or any other Law usage or Custome to the Contrary hereof in any wise notwithstanding And the Representatives now in Generall Assembly Convened do most humbly pray his most Excellent Ma'ty that it may be Enacted And it is hereby Enacted by the Authority aforesaid that the Sum of two hundred pounds be on or before the first day of July now next ensueing paid unto his Hon'r John Nanfan Leiu't Gov'r his Heirs or assignes out of his Ma'tys Treasury of this Province as a Testimony of the benfits We have received under his Goverm't and that the Sallary of Seaventy pounds p Ann granted unto William Atwood Esq'r Cheif Justice in Consideracon of his great & manifold Services & endeavors for ye good & welfare of ye Province be Continued for two yeares Longer than is menconed and Expressed in an Act of the Generall Assembly made the

last Sessions Entituled an Act for granting an Additional duty to his Ma'ty, provided also and be it Enacted by the authority aforesaid that the Same shall be paid and payable for the said two yeares out of the Revenue already before this Act Establisht. And be it further Enacted by the authority aforesaid, That if the said William Atwood should before that time be removed that then & in Such Case the Sum of One hundred and forty pounds be paid unto him his heirs or assigns within forty dayes after Such removall out of the Treasury of this Province. And Be it further Enacted that the Sallarys of Bernardus Freeman Minister of Schenectade. And his perquisits Establisht by the said Act and the Sallary of Lawrence Claesson Indian Interpreter be also Confirmed for two yeares Longer than in said Act is Expressed and the House of Repr'sentatives Considering the great Service of John Champanty Esq'r the present Agent of this Province humbly pray that it may be Enacted and be it enacted by the Authority aforesaid that the Sum of ffifty pounds p ann be and is hereby added to his Sallary for two yeares next ensueing and he the said John Champanty is hereby declared and appointed Agent for this Province for two yeares longer Commencing from the tenth day of this Instant month of May in the present year One thousand Seaven hundred and two any Law usage or Custom to the Contrary hereof in any wayes notwithstanding.

[CHAPTER 109.]

[Chapter 109, of Livingston & Smith and Van Schaack, where the title only is printed. This act is not printed in any edition of Bradford or in Baskett. Livingston & Smith and Van Schaack, state that the act was repealed by the Queen, December 31, 1702. (See note to ch. 105.)]

An Act for the better Regulateing the Elections of Trustees & Magistrats for ye Town of Kings Town in the County of Ulster.

[Passed, May 1, 1702.]

WHEREAS by a Certain Pattent under the great Seal of this Province dated the Nineteenth day of May in the year of our Lord One thousand Six hundred Eighty Eight it is amongst other things ordained that there be yearly and every year on the first Tuesday of the month of March Elected and Chosen twelve Trustees for the said Town by the Maj'r Vote of the Inhabitants and ffreemen of the Said Town and that the Trustees So Elected as aforesaid shall out of their Number Chose & Elect five to be Magistrats of the said Town for the hearing and determining of all Civill Causes to the Value or Damage of ffive pounds. And

WHEREAS Severall persons disaffected to the Peace and Wellfare of the said Town have of late taken upon themselves to Execute the offices of Trustees and Magistrates of the said Town without being thereunto Elected and Sworn to the great Greivance and oppression of the Inhabitants and freemen of the said Town for the preventing whereof for the future BE it Enacted by the Leiu't Gov'r & Council and Representatives now in Generall Assembly Convened, and it is hereby Enacted by the Authority aforesaid that there be yearly and every year pursuant to the said Pattent Elected twelve Trustees for the said Town of Kings town and that five thereof be the magistrates aforesaid and that they be Chosen & Elected on the first Tuesday of March in the Town House of the said Town by the Majority of the Votes of the Freeholders & ffreemen of the said Town, & for the more regular & better proceeding in the Eleccon aforesaid Be it Enacted by the Authority aforesaid that the Justices of the Peace of the County of Ulster resideing and Inhabiting within the Town aforesaid or one or more of them are hereby Required and Comanded to Issue forth his or their Warrant or Warrants directed to the Constable or Constables of the said Town three days before the Election Commanding him or them to give notice to all the ffreemen and ffreeholders of the Day and place of Election and that Such as have the Majority of Voices in the said Election shalbe returned Trustees of the said Town for the year ensueing unto the Justices aforesaid and be Sworn before the Said Justices or one of them at least, ffaithfully to Execute their said Office and that no person or persons not Sworn as aforesaid shall be Suffered by the said Justices to enter upon the said Office And Whereas Severall persons within the said Town did in ye year of our Lord Seaventeen hundred and one illegally take upon themselves the offices of Trustees & Magistrates as aforesaid to the great Damage & manifest Disturbance of the Peace of the said Corporacon without being Elected or Sworn unto the said Offices or any of them BE it therefore Enacted by the Authority aforesaid that all the Acts proceedings & Judgements had made given or Executed in ye Town of Kingstown in the year 1701, 1701 1-2 in the name and by the Authority of the Trustees or Magistrates of the Corporacon of Kings Town or either of them be for the reasons aforesaid held illegal and Void & the same are hereby declared Illegal and void accordingly any Law usage or Custom to the Contrary hereof notwithstanding.

[CHAPTER 110.]

[Chapter 110, of Livingston & Smith and Van Schaack, where the title only is printed. This act is not printed in any edition of Bradford or in Baskett. Livingston & Smith and Van Schaack, state that the act was repealed by the Queen, December 31, 1702. (See note to ch. 105.)]

An Act for declareing Confirming & Explaining the Libertys of the City of New york relateing to ye Election of their Magistrats.

[Passed, May 1, 1702.]

WHEREAS nothing can more Conduce to the peace Welfare and quiet of the Inhabitants Freeholders & ffreemen of the City of New york than that they should enjoy all and every the Libertys, Franchises privileges & Immunities granted unto them by their Charter of Corporacon dated the Seaven and twentieth day of Aprill in the Year of our Lord One Thousand Six hundred Eighty & Six and that the said City being the most Ancient Corporacon of this Province should be Incouraged & the Inhabitants thereof made happy in every Respect and Secured in the full enjoyment of their ancient Rights and Privileges given & Confirmed unto them by their said Charter as aforesaid and that all heats Animosities Quarrels Strifes & Debates may for the future be laid aside & those already happened for ever hereafter buried in Oblivion & that such matters which are or may Seem to be Doubtfull in ye said Charter relateing to the Electing of their magistrats may be Explained Declared & Settled. Be it Enacted by the Leiu't Gov'r & Council & Representatives now in General Assembly Conven'd and it is hereby Enacted by the Authority aforesaid that the Election of Magistrats and other officers for ye said City shal be yearly & every year for ever hereafter on the Day or Days as by the said Charter is Directed & Such & So many as is therein menconed & Expressed to Serve the said Corporacon in Such manner & wayes as is therein and thereby Declared. And Be it further Enacted by the authority aforesaid that the said City is, & is hereby Declared to be Divided in Six Wards According & in Such form as the same was Divided in the year of our Lord One thousand & Seaven hundred, and that there be Annually & every year in each of the said Respective Wards Elected & Choosen for every ward Such & so many Officers as in & by the said Charter is directed, And Such & so many officers for ye Town of Harlem within the Corporacon of the said City as was by ye Comon Council of ye Said City Ordered in ye year of our Lord

One thousand Six hundred Ninety Nine which Said Order is hereby declared to be to all Intents & purposes Confirmed but whereas great Strifes Debates & Suites have happened of late in ye Election of the Officers aforesaid, that is to say of one Alderman one Assistant two Assessors one Collect'r one petty Constable for each Ward & two petty Constables for the out ward to the great Disquiet Disturbance trouble & Vexacon of the ffreeholders & ffreemen of the said City by reason of the misconstruccon of the said Charter for the preventing whereof for the future Be it Enacted by the Authority aforesaid that from henceforth & forever hereafter all & every the Freeholders Dwelling & resideing within the said City having freehold w'thin the said City either in his own Right, or in the Right of his Wife, & all & every the ffreemen of the said City that now are being born w'thin the said City or otherwise made free by Enrolling or haveing purchased their freedom and resideing within the said City shall have their Votes in the Electing of the officers aforesaid in the Severall Wards where they live and in no other Ward whatsoever within the said City, Provided they have Actually lived resided or had their habitacon in the said Ward three months before the day of Election & that all persons borne within this Kingdom of England or this City & hereafter Enrolled & made free shall have ye like privilege of Election but all & every person or persons not born in ye Kingdom of England or this province that shall after the fourteenth day of May now next ensueing become a freeholder or freeman of this City shall not be Suffered to give his or their Vote in ye Election aforesaid unless they have lived Twelve months within the said City & three months within ye Ward where such Choice or Election is to be had before the time of Such Election the said Charter or any Law usage or Custom to the Contrary notwithstanding & for ye better Regulateing the Elections aforesaid Be it Enacted by the authority aforesaid that the May'r of the said City for the time being or on his Death or Absence the Recorder or Eldest Alderman for the time being shall according to the former usage at ye accustomed day issue forth his Warrant to the representative Alderman or Assistant or either of them of the respective Wards to Cause ye said Election to be made in ye forme aforesaid Assisted by two of the principle ffreeholders of ye Said Wards (that is to say) for the Southward Johannes Van Giesen & Gysburg Van Jurburg for the Northward Gerret Viele & Jacob Van Noordstrant for ye Dockward Lawrence Van Hook & Abram Metzeler for ye Eastward Johannes Hardenbrock & Barent Roynders for ye Westward, Evert Van Hook & Johannes

Van Gelder & for ye outward Egbert Heeremans & Johannes Waldron or one of them in each ward at least & in Case of their or any of their Death or absence by Such as the Comon Council of said City shall appoint in the room of ye s'd deceased or absenttee which is & who are to be appointed on ye day the Warrant Issue, & are to be Sworn in Comon Council truely & faithfully to take ye Poll of the Election of their respective Wards & not to Suffer any to Vote but Such as are qualified as aforesaid & together with the said Aldermen or assistant return ye names of Such as have ye maj'r Vote for any of the said Officers unto the Clerks office of ye Said City before twelve of the Clock the Same day of the Election which persons so returned shall be deemed & Esteemed to be Duely Elected officers for their respective Wards & be accordingly Sworn in their respective Offices as the said Charter directs for ye year ensueing on ye usuall day in Comon Council after ye publishing of ye new May'r Comon & if any Dispute shall happen Relateing to ye Elections aforesaid the Same shalbe Decided by ye Comon Council for ye time being within Eight days after the Election & if any person or persons shall think him or y'mselves agreived by such their Determinacon he or they shall have Liberty to make his or their appeal to the Gov'r & Council for the time being & no where else who are hereby Impowered finally to decide ye same. Provided nevertheless that such appeal shall not be any pretence for the May'r & Recorder for ye time being to Suspend to Swear or Sweare others but such as are returned in Comon Council aforesaid which to all Intents & purposes shalbe deemed & Esteemed to be ye respective officers of the said City untill any return shall be falsified by the Gov'r & Council & by their Warrant others are Comanded to be Sworn in ye room of Such not duely Elected & returned & to ye end that all Controversies Strifes and Debates relateing to the last Election of officers and magistrates for ye said City may be for ever Obliterated BE it Enacted by the Authority aforesaid that all Records or Minuts Entred in the Comon Council Book from the Eleaventh day of November Last past untill the twenty third day of December last past be on or before the fourteenth day of May now next ensueing in Comon Council to be held for that purpose raised defaced and forever Obliterated and held for null & Void any Law usage or Custom to ye Contrary hereof notwithstanding. Provided that this Act nor any Clause herein Contained shal be Construed to Debarr any of the Countys of this Province of their Ancient Rights and Libertys.

[CHAPTER 111.]

[Chapter 111, of Livingston & Smith and Van Schaack, where the title only is printed. This act is not printed in Brinley's Bradford or in Baskett. The act continued is chapter 85. Defects in this act are supplied by chapter 133.]

'An act for Continuing the Com'rs. of acco'ts for one year longer

[Passed, May 1, 1702.]

WHEREAS the Act of the Generall Assembly Entituled an Act for appointing and Enabling Com'rs to Examine take & State the publiq Acco'ts of this Province is Expir'd by its own Limittacon on the first day of this present Sessions of the Generall Assembly. And whereas it is of absolute necessity that the acco'ts of this Province should be finished and Settled in Such way & manner as they are now happily begun Be it Enacted by the Leiu't Gov'r and Council and Representatives now in Generall Assembly Convened and it is hereby, Enacted by the Authority aforesaid that the said Act and every Article and Clause therein Contained is hereby Continued and declared to be of full force & Virtue untill the first day of May in the year of our Lord one thousand Seaven hundred and three and from thence untill the first day of the next Sessions of the Generall Assembly any Law usage and Custom to the Contrary notwithstanding.

THE NINTH ASSEMBLY.

First Session.

(Begun Oct. 20, 1702, 1 Anne, Edward Lord Cornbury, Governor.)

[CHAPTER 112.]

[Chapter 112, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Brinley's Bradford, pp. 177, 210. Title only is printed in Baskett, p. 61. Opposite the words in brackets, in the margin of the original law, is the word "out."]

'An Act for the Levying and Collecting the Sum of Eighteen hundred pounds for the raiseing paying and maineteining one hundred and fifty ffuzileers with their proper Officers for five Months and Thirty Men with their proper Officers to be Imploy'd as Scouts Sixty two days for the Defence of the ffrontieers.

[Passed, November 7, 1702.]

WHEREAS by the great Neglect of those who have lately Exercis'd the Powers of Government in this Collony, the fforti-

ficacons on the ffrontieers thereof have Run to Ruin and Decay; and for as much as the Safety, good and Welfare of this Colony, as well as her Majesties other Provinces in these parts of America does greatly Depend on the making good and preserving the Said ffortificacons and out Posts of the said ffronteers. And Altho' this Province of it Self is very unable to raise and maintain Such a Number of Men as will be alwayes necessary to be there Posted and Mainteined, for the better Security thereof; Yet that they may be found doing their Duty to the utmost of their power and ability, with all Due Regard to her Sacred Ma'tys service, and the preservacon of this Province, Be it therefore Enacted by his Excellency, the Gov'r and Council and Representatives Conven'd in Generall Assembly, and by the Authority of the same, That the Sum of Eighteen hundred pounds Currant money of New York be laid, Assessed, raised and Levied upon all and every the Inhabitants, Residents, Sojourners and ffreeholders of and in this Province, for the raising, paying and mainteining one hundred and ffifty ffuzileers, with their proper Officers, (for five Months and Thirty Men with their proper Officers,) to be Imploy'd as Scouts Sixty two Dayes, the ffuzileers to be Posted on the ffronteers at or neer Albany from the ffifteenth Day of November Instant, untill the ffifteenth Day of Aprill next following, and no longer: And the Scouts to be Raised and Posted att Such place or places as his Excel the Captain General Shall Seem meet; which said Sum of Eighteen hundred pounds, as aforesaid, shall be raised and paid according to the Several respective Quota's and Proporcons hereafter menconed, unto her Ma'tys Receiver General of this Province, or to the Com'rs for Mannaging the Office of Receiver General, for the time being, at the City of Newyork, at or before the 25th Day of March next ensueing, which will be in the year of our Lord 1703 according to the Rates and proporcons following (that is to Say,) For the City and County of Newyork foure hundred and five pounds. For Kings County, Two hundred ffifty two pounds. ffor Queens County, Two hundred and Seaventy pounds. ffor the County of Suffolk Two hundred and Seaventy pounds. ffor the County of Richmond Ninety pounds. ffor the County of West Chester One hundred fforty four pounds. ffor the City and County of Albany One hundred fforty four pounds. ffor the County of Ulster One hundred Sixty two pounds. For the County of Orange fforty five pounds. ffor Dutchess County Eighteen pounds. And be it further Enacted by the Authority aforesaid. That for the better Assessing raising Collecting and paying the Sum of Eighteen hundred pounds aforesaid, The May'r and Aldermen of the City of Newyork the May'r and Alder-

men within the City of Albany with the Justices of the Peace for the time being for the Severall and Respective Cities Countys Towns, Mannors, Liberties and Jurisdiccons within this Colony for the which they shalbe Justices of the Peace do within fforty dayes after the publicacon hereof Assemble and meet together in the Court Houses for the severall Respective Cities and Counties or Such other place or places as they shall agree among themselves and shall there order that the Assessors and Collectors for the severall and Respective Cities Towns, Mannors or Liberties, within their Severall Jurisdiccons for the Assessing, Collecting and Receiving of the publick Rates for the defraying of the publick & necessary Charge of each respective City and County aforesaid be the Assessors and Collectors, for the Assessing, Collecting or receiving the Sum or Sums of mony hereinbefore menconed according to the proporcons before Expressed as to the said May'r Aldermen and Justices shall Seem meet and reasonable And forasmuch as there are Severall Mannors and Jurisdiccons within the respective Counties aforesaid, who neglect or do not Elect Annually or once every yeare Assessors or Collectors, whereby the Intent of this Act may be frustrated. Be it also Enacted, That if the respective Towns Mannors or Jurisdiccons within the Severall Counties aforesaid shall refuse or neglect to Choose Assessors and Collectors for Assessing of their respective Towns Mannors or Jurisdiccons or for Collecting the Same, according to the Intent and Direccon of this Act then and in Such Case the Justices of the Peace in the Counties where such Towns Mannors or Jurisdiccons are, are hereby Impowered and Authorized to Nominate and appointe Assessors and Collectors for such Towns Mannors and Jurisdiccons as shall neglect or refuse as aforesaid, which Assessors and Collectors, shall to all Intents and purposes Observe the Direccons of this Act, as any other Assessors or Collectors are by this Act Obliged and Enjoined to do. And be it further Enacted by the Authority aforesaid, That the said May'r Aldermen and Justices of the Peace for the respective, Citties, Counties, Mannors and Jurisdiccons have and shall have power and Authority, by Virtue of this Act, each of them by himself to Administer an Oath to the said Assessors, well and truly, equally Impartially and in Due proporcon as it shall appear to them, according to their best understanding, to Assesse and rate the Inhabitants, Residents and ffreeholders of the respective places for which they shalbe Chosen Assessors. And be it further Enacted by the Authority aforesaid That if any person or persons Who shalbe Chosen Assessors or Collectors in mannor aforesaid shall deny neglect,

or unequally and Impartially Assess or refuse to make Such Assessment as by this Act is required or shall deny, neglect, or refuse, to Collect any Sum or Sums of mony in form before menconed Assessed, that then and in Such Case it shall and may be Lawfull for any two of her Ma'ties Justices of the Peace of the Cities and Counties where such offendors shall happen to dwell or reside, and who by Virtue of this Act are required and Impowered to do the Same by Warrant under their hands and Seals to Comit Such Assessors or Collectors so denying neglecting or unequally and partially Assessing or refuseing to Collect as aforesaid, to the Comon Goal there to remaine without Baile or mainprize till he or they shall make fine or Ransom to her Ma'ty for Such Contempt as aforesaid.

[And be it further Enacted by the Authority aforesaid, That if any person or persons of what Degree or quality Soever he or they shalbe within this Province, who shall be Assessed or rated any Sum or Sums of money, by Virtue of this Act to be raised and Levied shall Deny, refuse or Delay to pay and Satisfy the same, that then it shall and may be Lawfull for any Such Collector, by Virtue of a Warrant under the hand and Seal of any of the Justices for the City and County where Such offendors shall reside or Inhabit, who by Virtue of this Act are required and Authorized to grant and Issue forth Such Warrant, to levy the Same by Distresse and Sale of Such person or persons Goods and Chattles, Returning the Overplus, (if any be) to the owners, the Sum Assessed, and Charges of Distress and Sale being first Deducted.] And also, be it further Enacted by the Authority aforesaid, That if any May'r Alderman or Justice of the Peace within this Province, who are hereby required, Impowered & Authorized to take Effectual care that this Act & every Clause therein be duely Executed, according to the true and Genuine Sence and Intent thereof, shall Deny, refuse, neglect or Delay to do, perform, fulfill and Execute all and every or any of the Powers, Duties and Authorities by this Act required and Impowered, by him or them to be Done, performed, fulfilled and Executed, and shall thereof be Lawfully Convicted before any of her Majesties Courts of Record within this Province, he or they shall Suffer Such pain, by fine and Imprisonment, as by the Direction of the Justices of the said Courts shall be adjudged. And be it further Enacted by the Authority aforesaid, That if any Action, Bill, Plaint or Informacon shall be brought, moved or prosecuted at any time hereafter against any person or persons, for any matter, Cause or thing done or Acted in pursuance or Execucon of this Act, such person or persons so Sued or prosecuted in any Court whatsoever, shall and may plead the General Issue, Not Guilty, and give this Act and the Speciall matter in Evidence; and if the

plaintiff or prosecutor shall be non-suited, or forbear further prosecucon, or Suffer Discontinuance, or Verdict to pass against him, the Defendant or Defendants shall have Treble Costs, for which they shall have like Remedy as in Case where Costs by Law are given to Defendants. [Provided alwayes, That no Mayor Alderman or Justices of the Peace shall be troubled Sued, prosecuted or Molested for any Omission, Offence, or Neglect, [by Virtue of this Act, but within the Space of One Year after Such Omission, offence or Neglect] and not at any time thereafter, any thing herein Contained to the Contrary hereof in any wise notwithstanding.

[And be it further Enacted by the Authority aforesaid, That what person or persons soever shall advance any Sum or Sums of Money not Exceeding the Sum of one Thousand pounds upon the Credit of this Act, for the ends and purposes therein menconed, & shall pay the same unto the Receiver General of this Colony, or to the Com'rs for Mannaging the office of Receiver General for the time being shall have and Receive back the Sum & Sums of Money so by them advanced, so soon as the Same can be Collected, with allowance after the Rate of Ten per Cent P Ann until they shall be reimbursed the Same.

[CHAPTER 113.]

[Chapter 113, of Livingston & Smith and Van Schaack, where the act is printed in full. Printed in full in Brinley's Bradford, p. 199, 232; Baskett, p. 60. Confirmed by the Queen, May 20, 1708. The premium was altered by chapter 172.]

An Act for Destroying of Wolves within this Colony.

[Passed, November 27, 1702.]

Forasmuch as by the neglect of Killing Wolves within this Colony (Occasioned as well by the inequallity of the Distribucon & Smallness of the Reward, as the Difficulty in attaining what formerly by the Laws has been allow'd) Divers of the Inhabitants of the Same Colony, have Suffered many grievous Loses in their Stocks, both of Sheep and Neat Cattle. For the prevention of which, and Encouragement of those who shall destroy Wolves in the said Colony, and that the breed of Wolves within this Colony may be whooly rooted out and Extinguisht, Be it Enacted by his Excellency the Governr with the Consent of her Ma'ties Council and Assembly for this Colony of New York, That from and after the Publicacon hereof, whatsoever person or persons, Christian or Indian, ffreeman or Slave, shall destroy and kill any Wolfe or Wolves, or their Whelp or Whelps, in the Countys of Suffolk, Queens County & Kings County, shall have

and Receive as a Reward, for each Wolf so destroyed and killed, the Sum of Three pound Currant money of this Colony; and for every Such Whelp under a year old, so destroyed and killed, the Sum of Thirty Shillings Currant money aforesaid In the County of West Chester, Twenty shillings for a grown Wolfe, killed by a Christian, and Ten shillings for Such a Wolf killed by an Indian, and half that Sum Respectively for a Whelp. In the County of Albany, Ten shillings for a grown Wolfe, killed either by Christians or Indians, and half that Sum for a Whelp. In the County of Ulster, Twelve shillings for a grown Wolf, killed either by Christians or Indians, and half that Sum for a Whelp. And in the County of Richmond, Thirty shillings of like money for a Grown Wolf, killed by a Christian, and fifteen shillings for Such a Wolf killed by an Indian, and half that Sum respectively for a Whelp To be paid by the Treasurer, of each respective County where Such Wolve or Wolves, Whelp or Whelps shall happen to be destroyed and killed. And for the more Effectuall payment of the said Rewards, Be it Enacted by the Authority aforesaid, That whosoever shall kill any Wolf or Wolves, their Whelp or Whelps in the said Countys, shall with all, Convenient Speed bring the head or heads of Such Wolves, so by them destroy'd, to some one of her Ma'ties, Justices of the Peace for that County, Wherein the Same shall be killed, who (upon view thereof, and Examinacon of the Party, and Circumstances finding the same to agree with probability and Truth) Is hereby required to Issue forth his Warrant under his hand and Seal, directed to the Treasurer of the respective County where such Wolf or Wolves, Whelp or Whelps shall be killed, for the payment of Such Sum or Sums of money to such person or persons who shall kill and destroy them, as by the same Justices shall be awarded, according to the respective Rewards herein before Specified; and Such Treasurer is hereby Required and Commanded, to make Due and Immediate payment of the Same, according to the Contents of such Warrant, & the true Intent & meaning of this Act. And be it further Enacted by the Authority aforesaid, That the Assessors and Collectors, for the Assessing and Collecting the Sum and Sums of money for the defraying the publick and necessary Charge in the Several Counties aforesaid, Respectively, shall yearly and every Year, Assess the Inhabitants of their respective Counties for the payment of the Rewards aforesaid, and that Such their Assessments be Collected and paid into the Respective Treasurers of the said Countys, and that the Supervisors, or Such others as now are, or at any time hereafter shall be appointed and Authorized to Supervise, Audit or allow of the Accot's and pay-

ments of the respective Treasurers, shall allow and Discharge Such Treasurers, upon their Acco'ts for all their payments made pursuant to such Warrant or Warrants, as is above Set forth, any Law, Custom or ordinance to the Contrary hereof in any wise notwithstanding. And in regard the respective Treasurers of the said Countys have not, or at present may not have money in their hands for Defraying and Satisfying the rewards by this Act allowed and Intended to be given, Be it Enacted by the Authority aforesaid; That Immediately after the publicacon hereof, in each of the said Countys, the several and respective persons, for the time being, who are appointed for the Assessing, Levying, Collecting and Receiving the publick and necessary Charge within the respective Countys aforesaid, shall in such manner as the publick moneys have usually been heretofore Levyed, raise in each of the said Countys, over and above what is before menconed, the Sum of Thirty pounds Lawfull money of this Colony, to be paid forthwith into the hands of the respective Treasurers of the said Countys, there to remain and be disposed of for the use aforesaid, and no other; And Also, That yearly thereafter, in each of the said Countys, a Certain Sum of money, not Exceeding Thirty pounds, shall be in manner aforesaid, Assessed, raised Levyed and paid into there Respective Treasurers, there to remain and be ready for the paying, Satisfying and discharging the rewards herein before Exprest, and not otherwise. And for the further Encouragement of such persons who shall, destroy and Kill Wolves in the said Countys, and Securing the payment of the rewards hereinbefore menconed to be given unto them, Be it Enacted by the Authority aforesaid, That if any Justice of the Peace, Treasurer, Assessor, Collector, Supervisor, or Such other persons as now are, or at any time hereafter shall be appointed and Authorized to Supervise, Audit or allow of the Acco'ts and payments of the respective Treasurers in the Countys aforesaid, shall neglect deny or refuse to do, perform and Execute the Several and respective Acts and Duties hereinbefore Directed, Comanded or required to be done, performed or Executed, so that thereby any person or persons, who shall kill and destroy any Wolf or Wolves their Whelp or Whelps in the said Counties, shall remain for the Space of one year unpaid, or not Rewarded, as is before menconed, or whereby Such Treasurer upon his Acco'ts shall remain undischarged, every Such persons so neglecting denying or refusing shall forfeit and pay to the party thereby being greived, the Sum of five pounds Currant money of New york to be Recovered by an Accon of Debt in any of her Ma'tys Courts within this Colony. Provided alwayes, That such Accon

be brought and Sued within one year and a day after such offence Comitted, and not otherwise. And be it further Enacted by the Authority aforesaid, That from and after the publicacon of this Act, all former Acts and Laws for giving any Reward for Destroying of Wolves and Whelps, shall from thenceforth stand Repealed, and be void. Provided That whatsoever person or persons is by the said Acts or Laws Entituled to any Reward or Rewards for destroying of Wolves or their Whelps, shall not be barred or precluded from their Lawful demands, any thing herein Contained notwithstanding.

[CHAPTER 114.]

[Chapter 114 ,of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Brinley's Bradford, pp. 185, 218; Baskett, p. 53. Continued by chapter 157.]

An Act for the better Setling the Militia of this Province and makeing it more usefull for the Security and Defence thereof and for the Repealing of all former Acts heretofore made in this Province Relating to the Same.

[Passed, November 27, 1702.]

WHEREAS the Security and preservation of this Province greatly depends upon the Militia being put into Such Methods and under Such Rules that it may make the Same most usefull for the Support and defence thereof and that the Inhabitants should be well Armed and Train'd up in the Art Military as well for the honour and Service of her most Sacred Ma'ty, as the preservacon of their own Lives and Fortunes. Be it Enacted and Ordained by the Gov'r Council and Representatives, and it is hereby Enacted and ordained by the Authority of the Same. That no person whatsoever from Sixteen to Sixty yeares of Age remain unlisted by themselves their Parents Masters Mistresses or Imployers under the Captain of their Respective places of Abode in foote or horse the Space of one Calender month after their attaining the said Age of Sixteen Yeares, or after their Arrivall or coming to reside or Sojourn in any place within this Province on penalty of Twenty shillings and So for every month Such person after notice thereof given shall remain unlisted. And that every foot Souldier be provided with a well fixed Musquet or ffusee, or if the officer So appoint with a good Pike and Sword or Lance and Pistoll, each Musqueteer Six Charges of Powder and one Cartouch Box and so shall appear when and where required upon penalty of five shillings for his default in not appearing and three shillings for want of each Charge of

Powder, Gun, Pike, Sword, Pistoll, or Cartouch Box, So as the wholl penalty for any person at any time exceed not Twenty shillings. And that every Souldier belonging to the Horse shall when and where Commanded, appear and be provided with a good Serviceable Horse of his own, Covered with a good Saddle with Holsters Breastplate and Crupper, & a Case of good Pistolls, Hanger Sword or Rapier and half a pound of Powder with Twelve Serviceable Bullets on penalty of Ten shillings for each times absence and ten shillings for default of the particulars above menconed So as the wholl penalty for one time exceed not fifteen shillings, And that every foot Souldier shall have at his Habitacon or abode one pound of good Powder and three pounds of Sizable Bullets, and every Trooper shall have at his usuall place of abode a well fixed Carbine, with Belt and Swivell, and two pounds of fine powder with Six pounds of Sizeable Bullets on penalty of ten shillings for every Default, and that each of them shall bring the Same into the ffeild when Commanded upon penalty of answering the Same at a Court Marshall.

And for the Supply of the Troops of Horse in the Citys of New york and Albany and County of Ulster It shall be in the power of the Colonell or other Cheif Officer of the City of New yorke, County of Albany and County of Ulster for the time being whenever any of the said Troops shall not Compleat the number of ffifty, to present Double the number instead of Such as are dead removed or wanting out of the principall Inhabitants and Gentlemen of the respective Cities and Counties aforesaid unto the Gov'r for the time being, who from time to time may list and Order So many of them,to bee of the said respective Troops, as may Compleat the number of ffifty for her Ma'tys Service and the Security of this Province, And any person & persons so presented to the Gov'r for the time being & by him Listed and ordered to be of the said respective Troops shal be and are hereby Obliged to Serve in the said respective Troops upon the penalty of five pounds

And it is further Enacted by the authority aforesaid, That no person So Listed as aforesaid, shall depart thence, without a Discharge from the Commander of the Company or Troop where Listed on penalty of fforty shillings, and that no Commander of any Company or Troop shall refuse when Desired to give a Discharge in Writing to any that has removed his abode out of the precincts or Province under the penalty of five pounds.

And whereas at the Citys of New york and Albany and at the Town of Kings Town in the County of Ulster Guardes and Watches are every night Set and appointed, Be it therefore Enacted and Ordained by the Authority aforesaid That it shall

and may be Lawfull for any person or persons Listed in the Militia Regiments of the Citys of Newyork and Albany or in any the Militia Companys in the Town of Kingston in the County of Ulster (Except on Exterordinary Occasions) to put a well armed man in their Room who if approved of by the Captain of the Guard shall excuse his or their absence Provided alwayes that the Commission officers and Serjeants of the respective Companies in the Citys of Newyork and Albany and in the Town of Kingston in the County of Ulster be Obliged in their Respective Turns to mount the Guard in their proper persons and that no person shall refuse to be a Serjeant Corporall or Drummer in the Company wherein he is listed under the penalty of fforty shillings.

And be it further Enacted and Ordained by the Authority aforesaid That all Captains of Companies of ffoot or Troops of Horse shall within Twelve months from and after the publicacon of this Act provide for their Companies and Troops Drums and Colours, Trumpets and Trumpeters and Banners at the proper Charge of the respective, officers Troops and Companies under the penalty of Tenn pounds and So for every four months such Commanders shall remaine unprovided, And that all the Colonells of the respective Regiments or next Cheif Officers in their absence shall once every year at least issue out their warrant to their Inferior Officers Commanding them to make deligent Search and Inquiry in their Severall precincts, that all be duely listed Armed and Equipped And to return to them such Defects as shall be found to the end the same may be Reformed on penalty of Twenty pounds and that once every three Months or oftener as Occasion shall require and Comand be given by the Captain Generall or Comander in Cheif for the time being the severall Companies and Troops in each Regiment shall meet at the next and most Convenient places to be appointed by the respective Officers to be then and there by them Mustered and Exercised.

And it is further Enacted and Ordained by the authority aforesaid, That during the time the said Officers and Souldiers are in Arms they shall Observe and keep all and every of the Laws and Articles of Warr and give all due Obedience to their Superior Officers which Laws and Articles the Captain Generall or Comander in Cheif with advice of a Generall Council of Warr, is to make and Establish, and the Comanders of the Severall Regiments to give out Copies of the said Articles unto the respective Officers, that the same may be publickely read once every three months unto the Souldiers whilst they are in Arms that all persons may the better know and Observe their Duties.

And if it shall happen that any of the Officers or Souldiers shall when they are out of Arms endeavour to take Revenge by force, for any thing his or their Superior Officers lawfully did in pursuance of his or their Duty and this Act, The Said Officers and Souldiers shal-be brought to a Court Martiall and there punished as if the Offence had been done in time of Service or Exercise; provided that the said punishment do not Extend to Life or Limb.

And be it further Enacted by the Authority aforesaid, That once every year or oftener if thereunto Comanded, each particular Captain shall give to his ffeild officer and the feild Officer to the Captain Generall or Comander in Cheif for the time being, fair written Rolls of their Respective Companies and Regiments, And if any ffeild Officer Captain or other Inferior Officer shall neglect or Contemn performing the Lawfull Comands of the respective Superior officers he or they shall be punished by fine Casheering or other punishment according to the discretion of a Court Martiall which the Captaine Generall or Comander in Cheif is to appoint and Establish, And the orders of the said Court Martiall are hereby Declared to be binding in all military affaires.

And if any person upon any Invasion or other publick Military Service be wounded or disabled he shall be cured and Maintained out of the publick Revenue.

And if any person whatsoever shall be Sued molested or Impleaded for anything Lawfully Comanded in the Execucon and pursuance of this present Act he shall plead the Generall Issue, and give this Act in Evidence and shall thereupon if found for him Recover treble Costs of Suite.

Provided alwayes and it is hereby Enacted and declared by the Authority aforesaid That the Severall fines and forfeitures menconed in this Act shall be recovered and disposed of as followeth Vizt That all Such as do relate to any person under the Degree of a Captain shall be adjudged by, and be to the respective Captains to defray the Charges of their Companies or Troops and to be Levied before the next exercising day by distresse and Sale of the offendors goods by the Captains Warrant to the Serjeant or Corporall and if no Distress be found the punishm't to be by riding the wooden horse or being Tyed Neck & Heels not Exceeding one hour at the Discretion of their Officers, But if the offender be a Servant the owners goods shal-be Lyable to the Distresses and Sales as aforesaid, So that Sattisfacon may be made, And if any Such Serjeant or Corporall so as aforesaid appointed by his Captain shall refuse to Execute such Warrant to him granted, Such Serjeant or Corporall shall forfeit for every

Such Offence for the uses aforementioned the Sume of fforty shillings to be levied by Distresse as is aforesaid by such other Serjeant or Corporall by the like Warrant under the hand and Seale of the Captain as is before in this Act Expressed And for all other penalties mentioned in this Act the Same to be levied by Distresse and Sale of the Offenders goods and Chattles by the Provoost Marshall by Warrant from ye Captain Generall or Comander in Cheif or the Cheif ffeild Officer where such Offendors are, one half thereof shall be to the Captain Generall and the other half to the Said ffeild Officers of that Regiment where the Offence is Comitted. And if the fines that do relate to any person under the Degree of a Captain shall not amount to a Sum Sufficient to defray the Charge of the Captains Companies or Troops that then the over plus wanting to be Levied upon the Severall Souldiers equally by Warrant or order of the Colonell or Cheif Officer of the Regiment Troops or Companies.

And be it further Enacted by the Authority aforesaid That it shall & may be Lawfull for any Comission officer belonging to the Regiment of the Citys of Newyork and Albany or to any the Companies in the Town of Kingston in the County of Ulster under the Degree of a Captain in the absence of the said Captain to grant Warrants of Distresse against any person whatsoever that shall absent themselves from their Duty on the Night Guards, without Sending a Sufficient person to Serve and watch in their Stead which said Warrants So granted shall be as Effectuall to all Intents and purposes whatsoever as if they or any of them had been Granted by the Captains themselves.

And be it further Enacted by the authority aforesaid That all persons so listed as aforesaid shall readily attend their Duty, and Serve on the Watches when thereunto appointed by their Officer or Officers under the penalty of Six Shillings for each default to be levied by Distresse as is aforesaid.

And it is also further Enacted by the Authority aforesaid That no person whatsoever presume to fire any Small Arms after eight of the Clock at night unlesse in Case of an Alarm Insurrection or any other Lawfull occasion And in either of the said Cases four Musquets or Small Arms distinctly fired, or where Great Guns are the firing of one great Gunn and two Musquets or Small Arms Distinctly and beating of a Drum shall be taken for an Alarm. And every person that shall neglect his Duty in taking and giving forward an Alarm by firing as aforesaid or shall be guilty of firing any Small Arms after Eight of the Clock at night unless as aforesaid shall be fined or otherwise punished at the discretion of a Court Martiall not Extending to Life or Limb. And in Case of Such Alarm every Souldier is Immediately

to Repair Armed to his Colours or Court of Guard upon the penalty of five pounds.

And for the better prevention of false Alarms no Captain Master or Comander of any Ship or Vessel riding at Anchor in any the Harbours Ports or Bayes within this Province or any other person fire any Gun or beat any Drum after Eight of the Clock at night under the penalty of four pounds for every Gun So fired or Drum beaten to be levied by Warrant from the Cheif Officer not under the Degree of a Captain (who is hereby Impowered to administer an Oath & gve Judgment thereupon) by Distresse and Sale of the Offendors goods, and for want of such Distresse the said Cheif Officer is Impowered to Comit such Offendors to the Goale there to remaine untill payment to be made of the same, And that in Case the said Cheif Officer shall not perform his Duty therein he shall forfeit Ten pounds to be Levied by Warrant from the Captain Generall or Comander in Cheif for the time being provided alwayes That this Clause shall in no ways Concern or Extend to any Captain or other officer of any of her Ma'ties Ships of Warr, for their firing at Setting the Watch.

PROVIDED alwayes and it is hereby further Enacted and declared by the Authority aforesaid That all Trumpeters and Drummers lately in Service that shall by the Severall Captains be put into that Service Dureing the Captains pleasure shall serve upon the Sallary of fforty shillings P Ann for a Trumpeter and Twenty shillings P Ann for a Drummer finding their Trumpet and Drum and Twenty shillings for a Trumpeter and tenn shillings for a Drumer if the Captain find them upon penalty of fforty shillings.

And be it further Enacted by the Authority aforesaid that all Captains of the Companies in the Severall Towns within this Province do take due care to List all youth as they shall come to the Age of Sixteen Years, And if any debate shall arrise Concerning the Age of any such Youth the same shall be determined by the Oath of their Parents or any other Credible person taken before Some Justice of the Peace who are hereby Required and Impowered to Administer the Same in the words following Vizt I A. B. do Swear upon the Holy Evangelists of Almighty God that C: D: the Son of E. F. Listed in ..... Companys is ..... years old, and no older So help me God. which Oath being Certified by the said Justice to the Captain of the Said Militia Troop or Company where the said person is Listed, and it appearing upon Oath that Such person is not of the Age of Sixteen Years he shall be dismissed untill such time as he attain to that Age.

PROVIDED alwayes and it is hereby further Enacted and Declared That all the members of her Ma'tys Council, Justices of the Peace high Sherriffs Coroners and all other Officers of Courts Ministers School Masters Phisitians and Chyurgeons shalbe free from being Listed in any Troop or Company within this Province any thing Contained herein to the Contrary in any wise notwithstanding.

PROVIDED alwayes and be it further Enacted and declared by the Authority aforesaid. That nothing in this Act Conteined be Expounded Construed or understood to diminish alter or abridge the power of the Captain Generall or Comander in Cheif for the time being, but that in all things and upon all occasions he may Act as fully & freely as Captain Generall or Comander in Cheif to all intents and purposes as if this Act had never been made any thing in this Act to the Contrary notwithstanding.

And be it further Enacted by the Authority aforesaid that all and every Act and Acts heretofore made for setling the Militia of this Colony or any ways relating thereunto be and are hereby for ever Repealed Reversed vacated and become null void and of none Effect And the Said Acts and all Articles and Clauses therein mentioned are hereby declared to be for ever Repealed Reversed vacated and become Null Void and of none Effect to all Intents Constructions and purposes whatsoever as if the same had never been made and Enacted any thing to the Contrary notwithstanding.

PROVIDED also and be it further Enacted by the Authority aforesaid That this Act nor any Article or Clause therein Conteined shall be Construed or taken to allow or give Liberty unto any Negro, or to any Indian Slave or Servant to be Listed or to do any Duty in the Militia of this Province

PROVIDED alwayes That no person or persons whatsoever shall be Sued prosecuted or his goods & Chattles lyable to any Levy or Seizure by Virtue of any Clause in this Act before menconed but within the Space of three Calendar months after the Comitting the respective facts hereby made Offences & not at any time after the said three months. And be it further Enacted by the Authority aforesaid. That when ever it shall so happen That mony shall be raised by Act of Generall Assembly of this Colony for the raising and paying of men for the defence of the ffrontieers, the Severall and respective Captains or other Officers Comanding the Companies respectively for the time being shall and may by Virtue of this Act appoint or detach Such and So many of the respective Companys as shall be required for that Service by the Capt Generall or other Superior Officers by leaving a Note in writing at their respective Houses or last place

of abode Signifying when & where they shall appear ten dayes Inclusive, before the day of Such appearance, & if any person or persons for whome Such note shall be left as aforesaid, shall not appear at the time and place appointed and perform the service required of him he or they shall forfeit the Sum of Six pounds to be recovered by the Respective Captains or other Officers in the respective Courts of Comon Pleas of Such County or Place where Such offence shall be Comitted or offender shall be found by Accon of Debt Bill plaint or Informacon in w'ch no protection Essoin Emparilance or Wager of Law shall be allowed, which forfeiture of Six pounds shall be applyed and given to the use of Such person or persons who shall be Summoned to appear & Serve in the Room of such offender makeing default of appearance as aforesaid.

Provided also, That this Act shall Continue and be of force for and during the time and Space of two yeares from the publication hereof and not longer.

[CHAPTER 115.]

[Chapter 115, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Brinley's Bradford, pp. 194, 227. Title only is printed in Baskett, p. 62. Expired, November 12, 1704.]

An Act for the better Support and Maintenance of the Poor in the City of New York for the future.

[Passed, November 27, 1702.]

WHEREAS the Mayor, Aldermen and Comon Council of the City of New York, have Represented unto the General Assembly of this Province, that in the late Calamitous Distemper, which it pleasé Almighty God to afflict the Inhabitants of the said City, the number and necessitys of the Poor were much increased; And the Sum of Money raised for the mainteinance of the Poor in the said City, was farr short of giving them a necessary Support in this Emergencey, for Remedy whereof and for the better Support and mainteinance, for the future. Be it Enacted by his Excellency the Governour and Council and Representatives Conven'd in General Assembly, and by Authority of the Same, That hence forth it shall and may be Lawfull for Such persons as are Impowered to Raise and provide for the Mainteinance of the Minister and the poor of the Said City, Annually in the Month of January, upon any Such Emergency, or whensoever a necessary Support or Supply for mainteinance of the Poor of the said City, shall be wanted, at any other time, thro' out the wholl year to Assemble and meet together, and make

Such further necessary requisite supply by a Tax upon the Inhabitants of the said City, for the use of the Poor, as they shall Judge Sufficient not Exceeding three hundred pounds mony of this Colony for one year to be Levyed, Assessed, Collected and paid by Such persons, & in Such manner, and under like penaltyes respectively, as are provided in the Act of Assembly of this Province, Entituled, An Act for Settling a Ministry and raising a mainteinance for them in the city of New york &c made in the fourth Year of King William and Queen Mary, any thing in the said Act, or any other to the Contrary thereof in any ways notwithstanding.

Provided, That this Act, nor anything therein Contained, shall be of force any Longer than for the Space and time of two years from the publishing hereof.

[CHAPTER 116.]

[Chapter 116, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Brinley's Bradford, pp. 180, 213. Title only is printed in Baskett, p. 61. Baskett states that this act was confirmed by the Queen, March 20, 1702.]

An Act for granting unto her Ma'ty the Sum of Two Thousand pounds to be apply'd (with her Ma'ties good pleasure) to the uses in this Act menconed

[Passed, November 27, 1702.]

May it please your most Excellent Ma'ty, we the Representatives of your Ma'tys Colony of New York in America, Conven'd in Generall Assembly out of a Quick and lively Sence of our late Deliverance, by the happy and most Seasonable Arrivall of his Excelleny my Lord Viscount Cornbury your Ma'tys present Governour of this Colony, amongst us, And of the Sattisfaction peace and Security which all your Ma'ties Loyall and good Subjects thro' out the Same Colony, have and enjoy by his Excellencys most equall, Just, and wise Administration towards us, cannot Conceale our Gratefull resentments thereof; without Some Small Expressions of the Same Such as we are able to make, both to your Ma'ty and to him for So great and good a benefit. And because words alone are not Sufficient for that Duty, as a farther testimony of our Sincerety and heartiness therein and of that Constant and Steady Loyalty and Dutifull affections which we do, & shall ever beare unto your Ma'tys Royall person and Goverment here, at home, & thro'out your Regall Dominions We most humbly beseech your Sacred Ma'ty that you would be Graciously pleased to accept of the Sum of Two Thousand

pounds Currant monys of this Colony. And we do hereby Give and Grant unto Your Ma'ty the Sum of Two thousand pounds Current monys of this Colony to be Assessed Levyed and Collected, as hereinafter is directed & appointed the which monys when Collected and Received, We further most humbly beseech your ma'ty may by your Ma'ties permission, be given and disposed of to his Said Excel Edward Lord Vincent Cornbury your Ma'tys Captain Generall and Governour and Comander in Cheif of this your Ma'tys Colony of New York and Territorys and Tracts of Land Depending thereon in America, and Vice Admirall of the Same and for want of your Ma'ties permission therein that the said Sum of Two thousand pounds may be applyed to the Defence of the Country. And that it may be herein and hereby Enacted Accordingly Be it therefore Enacted by his Excel the Governor, Councill and Representatives Conven'd in Generall Assembly, and by the Authority of the Same. That the Sum of Two thousand pounds Current monys of this Colony by her Ma'tys permission to be given and disposed of to his said Excel Edward Lord Viscount Cornbury his Executors or Assignes and for want of her Ma'tys permission therein the said Sum of Two thousand pounds to be apply'd to the Defence of the County be laid Assessed Levyed and raised upon the ffreeholders Inhabitants and Residents within the Severall respective Counties thro' out this Colony as well Sojourners as others, according to the Severall Rates, Proportions, and Quotas following to be charged on each County, That is to say on the City and County of Newyork ffour hundred twenty three pounds for Kings County two hundred Ninety Six pounds, for Queens County Three hundred and Seaventy pounds, for the County of Suffolk Three hundred and Seaventy pounds for the County of Richmond Ninety pounds, for the County of West Chester, One hundred twenty four pounds for the City and County of Albany One hundred and Twenty pounds for the County of Ulster One hundred forty four pounds for the County of Orange forty five pounds and for Dutchesse County Eighteen pounds. The which Sum of Two thousand pounds Current mony aforesaid shall be raised, Assessed, Collected, Levyed and paid unto her Ma'tys Collector or Receiver Generall of this Colony or to her Ma'tys Commissioners for Executing that Office, for the the time being, at the Custome house at New york on or before the last day of May next and the last day of November which shall be in the year of our Lord One thousand Seaven hundred and three, And for the better more due, and Orderly, Assessing Rateing Levying and Collecting the said Sum of Two thousand pounds. Be it further Enacted by the Authority aforesaid, That

the May'r and Aldermen of the City of New york, In that City, the May'r and Aldermen of the City of Albany In that City, and the Justices of the Peace in the Severall and respective Counties aforesaid, whereof they are respectively Justices of the peace Do within forty dayes after the publicacon of this Act, Assemble and meet together at the Severall and respective Town halls or Houses, for the said Cities, and at the Severall and respective Court Houses for the said Counties, or at Such other place or places, within the Cities and Counties aforesaid, as they the said May'rs and Aldermen and Justices of the Peace shall respectively amongst themselves agree upon, limit, and appoint and then and there shall Direct and order the Assessors and Collectors of the Severall Cities of New york and Albany and the Assessors and Collectors of the Severall Towns Mannors and Liberties within the Severall and respective Counties aforesaid respectively to Assess Collect and Receive the Severall Sum or Sums of Mony herein before before menconed to be the respective Quota's and proporcons of each respective City and County aforesaid, as to the said respective Mayors Aldermen and Justices of the peace respectively shall seem meet and reasonable.

And whereas there are Severall Towns Mannors Liberties and Jurisdiccons within the respective Counties aforesaid which do no Annually Elect Assessors and Collectors for the said Towns, Mannors, Liberties, and Jurisdiccons for want whereof the Intent of this Act may be much frustrate and disappointed. Be it therefore further Enacted that if any Town Mannor Liberty or Jurisdiccon aforesaid shall want and be without Assessors at the time when this Act comes to be put in Execucon that then and in Such Case it shall and may be Lawfull to and for the Justices of the Peace of the respective County or Counties in w'ch the said Towns, Mannors, Liberties or Jurisdiccons So wanting Assessors and Collectors as aforesaid shall be, or any two of them (when the said Justices meet and Assembly together for that purpose) to Nominate and appoint Assessors and Collectors for the Same Townes, Mannors, Liberties and Jurisdiccons, respectively to Observe and Execute the Direccons of this Act therein.

And be it further Enacted that the said May'r and Aldermen of the said City of New York, the May'r and Aldermen of the City of Albany, and the Said Justices of the Peace for the respective Counties aforesaid have and shall have by force and Virtue of this Act, full power and Authority Severally and respectively to Administer an Oath to all and every the Assessor and Assessors aforesaid in manner following Vizt that he or they Shall well and truely Execute and performe the said Office of Assessor and truely, equally, Impartially, and in Due proporcon

Assess and rate the Estates of the ffreeholders, Inhabitants, Residents and Sojourners of the Severall & respective places for which they shall be, Assessors According to the best of their Skill, and that therein they shall Spare no person for favour or affection or greive any one for hatred or ill will And the said Assessors and every of them respectively are hereby required within the time and Space of forty days to make their Severall and respective Assessments aforesaid and also within the time and Space of tenn dayes after that to make out true and perfect Copys of the Assessments So to be made by them as aforesaid and to deliver the Same in writeing subscribed with their respective names to the said respective May'rs and Aldermen of the Said Cities and to the respective Justices of the Peace of the Said Counties or to the respective Town Clerks of the Said Cities, and respective Clerks of the Peace of the said Severall Counties aforesaid, And the said respective Mayors, Aldermen, and Justices of the Peace of the respective Cities and Counties aforesaid, or any two or more of them respectively within the time and Space of Tenn days next after the said Coppys of the Assessments aforesaid shalbe Delivered to them, are hereby ordered and required to Cause the said Severall and respective Coppys of the Assessments aforesaid to be fairely transcribed and written over and to Signe and Seal Duplicates thereof, and Deliver the Same or Cause them to be delivered within the time aforesaid unto the respective Collectors within the said Severall Cities, Counties, Towns, Mannors, Liberties, & Jurisdiccons aforesaid. And to the respective Towne Clerk of the said Cities and the respective Clerks of the peace of each respctive County aforesaid there to be respectively filed by each respective Town Clerk and Clerk of the peace aforesaid, and remaine upon Record the which Town Clerk and Clerks of the peace, and every of them are hereby ordered and Directed to transmit the Severall & respective Sum and Sums of mony which Shall be so Assessed as aforesaid upon Each respective Ward and place within the said Cities and upon each respective Towne, Mannor, Liberty place and Jurisdiction within the respective Counties aforesaid unto her Ma'tys Collector and Receiver Generall at the City of New york aforesaid or to her Ma'tys Commissioners therefore Executing the said Office for the time being within tenn dayes next after their respective receipts of the Duplicates aforesaid under the pain and penalty of five pounds Current mony of New york, to be lost and forfeited by every Town Clerk, and Clerk of the peace aforesaid makeing default therein and not transmitting the said Sum and Sums of mony Assessed as aforesaid in manner aforesaid.

And be it further Enacted by the Authority aforesaid that if any the Assessor or Assessors to be appointed as aforesaid

shall deny neglect or delay to make Assessment as aforesaid, or shall do the Same partially and unequally, or if any the Collector or Collectors aforesaid Shall deny neglect or Delay to Collect, receive and gather in any Sum and Sums of mony So to be Assessed, Taxed, and Rated as aforesaid Contrary to the Intent and true meaning of this Act, that then and in Such Case it shall and may be Lawfull to and for the said Mayors and Aldermen of the said Cities and to and for the Said Justices of the Peace of the said Counties, where such offender or Offenders shall dwell or reside, or any two of them respectively by Warrant under their hands and Seales to Comit Such Assessor or Assessors Collector or Collectors, so offending as aforesaid to the Comon Goale of the Said respective Cities or Counties thereto remaine without Bail or mainprize till he or they shall respectively make fine and Ransome to her Ma'ty for Such their Contempt and Offence aforesaid. And upon every Such Comitment the said May'rs and Aldermen of the said Cities, And the said Justices of the peace of the said Counties respectively are hereby required Speedily to nominate and appoint other Assessors or Collectors as the Case requires in the place and Stead of those which shall be so Comitted as aforesaid. And be it further Enacted by the Authority aforesaid that if any person or persons shall refuse or neglect to pay the Severall and respective Rates or Sumes of mony Taxed and Assessed upon them by Vertue of this Act for or in respect of his, her, or their Goods, Chattles Lands Tenements or other matter Cause or thing whatsoever, by the Space of Tenn dayes after demand thereof made by the proper Officer or Collector of the Same It shall and may be Lawfull to and for every Such proper Officer and Collector by Warrant under the hands & Seales of two Justices of the peace of the respective City, County, Towne or place where Such neglect or refusall of payment shall be, to, Levy the said Rates and Sums of mony aforesaid by distress and Sale of the person or persons goods and Chattles, so refuseing or neglecting to pay the Same as aforesaid And for want of buyers of the said goods and Chattles so distrained in the City, County, Towne, or place where the said Distress shall be made to take drive, or Carry away the Same into any other City, County, Towne or place within the Colony aforesaid for the Sale thereof, And if an overplus happen to be coming by the said Sale over and above the said Rates and Sums of Mony for which Such Distress shall be made, the Same to be Immediately paid and returned to the owner thereof the Charges of such Distress driveing or Carrying away the Same, onely being out of Such overplus first had and deducted.

And be it further Enacted by the Authority aforesaid, That if any May'r Alderman or Justice of the Peace within this Colony, who is or are hereby Authorized Impower'd and requir'd to take Effectual care that this Act and all and every Clause, Article, and thing therein Conteined be duely put in Execucon according to the true Intent and meaning thereof shall make Deafult therein, & not duely and truely performe and Execute the same in every respect as by the said Act is required of them, and shall thereof be Convicted before her Ma'tys Justices in any her Ma'tys Courts of Records within this Colony he or they so makeing Default as aforesaid shall Suffer Such pain by fine (and Imprisom't till the Same be paid) as by the Discretion of the said Justices of her Ma'ties said Courts of Record respectively where such Conviction shall be. And be it further Enacted by the Authority aforesaid. That if any Action, Bill plaint or Information shall be brought moved or prosecuted at any time hereafter against any person or persons whatsoever, for any Matter Clause, or thing whatsoever, done or Acted in pursuance or Execucon of this Act Such person or persons so Sued or prosecuted in what Court Soever Such Suit or prosecucon shall be Commenced or followed shall and may plead the Generall Issue not Guilty, and give this Act, and the Speciall matter in evidence, And if the plantiff or prosecutor shall be nonsuited, or forbear further prosecution or Suffer discontinuance or Virdict to passe against him, the Defendant or Defendts shall recover treble Costs for w'ch they shall have the like Remedy as in Cases where Costs by the Law are given to Defendants Provided alwayes that no Mayor Alderman or Justice of the peace aforesaid shall be Sued, prosecuted, or molested for any Omission Offence or neglect by him or them Comitted Contrary to and against the tenour of this Act, but within the Space and Compasse of one year next after Such Omission Offence or neglect Comitted, and not otherwise any thing herein Conteined to the Contrary thereof notwithstanding.

[CHAPTER 117.]

[No law is printed under this chapter number. Livingston & Smith, print the title of the same act twice as chapter 117, and chapter 127, and as having been passed on November 25, and November 27th. The Minutes of the Council, for November 25th, show that the act here printed, as chapter 127, was advanced to third reading on that date. (See Journals of Legislative Council, p. 186.) The same act was signed by the Governor, November 27, 1702. The chapter number is inserted here in order to preserve the continuity of numbering.]

[CHAPTER 118.]

[Chapter 118, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Brinley's Bradford, p. 193, 226. Expired November 25, 1704.]

An Act to Enable the Mayor, Aldermen and Comonality of the City of New York, for the time being, to raise Money upon the ffree-holders and Inhabitants thereof, for defraying their publick and necessary Charges Annually.

[Passed, November 27, 1702.]

WHEREAS the publick Rents, Revenues and yearly Incomes of the City of Newyork, are at present So Small, that they are not Sufficient for defraying of the publick necessary Charges thereof: To the end therefore that the said City may be Enabled, for the future, to pay their Just Debts, the Sallaryes of their Representatives in General Assembly, the Sallary or allowances for raising of publick Taxes, the Charges of Watching and Warding, and of Military Guards (when the Same are required by the Captain General) the Charges of making Goales Sufficient, Cage, Whipping-Post and Pillory, the Charges of Maintainance of and Execucon of poor ffellons, of Coroners Inquests, and burying of the poor coming by Casual Deaths, and other publick and necessary Charges. Be it Enacted by his Excel the Gov'r and Council, and Representatives Convened in General Assembly, and by the Authority of the Same. That it shall and may be Lawful for the Mayor Aldermen and Comonalty of the said City, for the time being, in Comon Council met and assembled, or Such number of them as do make up a Comon Council, once in every year, or oftener if there be occasion, at Such time as they shall think fit, to order the raising Such Sum and Sums of money by a Tax upon the ffreeholders and Inhabitants of the said City, as they or the Maj'r part of them shall agree to be necessary, for defraying the said publick Charges happening in that Year pursuant to which order, the Mayor of the said City, for the time being, shall forthwith thereupon Issue forth his Warrants to the Assessors and Collectors of each Ward respectively, for the time being, requiring them to make Such Assessment and Collection, and to pay the Same into the Treasurer of the said City, for the time being, in Such Convenient times respectively for the Assessment and payment thereof, as shalbe agreed upon by the said Mayor, Aldermen and Comon Council, or the Major part of them: which Sum or Sums of money, shall by the said Treasurer be paid to the uses aforesaid, and Accounted for in such Method and forme as

other publick moneys, in the hands of former Treasurers of the said City.

Provided alwayes, That the Sum or Sums Levyed by this Act shall not Exceed the Sum of Three hundred pounds for one year; and that this Act shall Continue in force for the Space of two years, and no Longer, any thing before in this Act to the Contrary hereof in any wayes notwithstanding.

[CHAPTER 119.]

[Chapter 119, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Brinley's Bradford, p. 195, 228. Title only is printed in Baskett, p. 62. Expired November 27, 1705.]

An Act to Enable the Citty of New-York to Supply the Vacancy of such publiq'e Elective Magistrates & Officers as may Dye, Remove, or otherwise be incapacitated to serve, before the time of the Annual Election.]

[Passed, November 27, 1702.]

Whereas it hath been often found very hurtful and pr'judicial to the City of New York and obstructive to the affaires and goverment thereof, that upon the death, removal or other disability of any Elective Magistrate or officer of the said City, there is not sufficient power and authority in the said City or any the Members thereof, to fill up the room or place of the Magistrate or officer so dying, or being Disabled, with some other fitt and honest person, until the annuall day of Election of Magistrates & officers for the City aforesaid, comes about by reason the Charter of the s'd City appointing the same is short and Defective therein: ffor Supply and amendment whereof.

Be it Enacted by his Excell: the Gouvernour & Councill, and Representatives, Conven'd in Gen'l: Assembly, and by authority of the same, That hereafter upon the Death, Removall out of the said City or other Disability happening to any Magistrates or other publiq'e Elective Officers of the Citty of New York, it shall and may be Lawfull for the Mayor, Aldermen, and Assistants, or such number of them as doth make a Comon Council, to Order and appoint such Convenient time as they shall think proper thro'out the whole year for the ffreemen and Inhabitants of the said Citty in such respective ward or wards where such vacancy shall happen, as aforesaid, to meet together and make Election of others to supply his or their room, untill the usual time of the Annual, Election appointed by their Charter, which ffreemen and Inhabitants are hereby Impowered to make such Election in Manner and form as is used in the Anniversary Elec-

tion, and w'ch, Magistrates and Officers, So Chosen and Elected shall be sworn, and have power to Execute their respective offices, as fully and in like manner as if they had been Elected and sworn att the Said Anniversary Election, any thing in the Said Charter, or any Law or Usage to the Contrary hereof in the said Citty, in any way notwithstanding. Provided alwayes, That this Act Shall only be of fforce for the time of three yeares From the publication thereof and no longer.

[CHAPTER 120.]

[Chapter 120, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Brinley's Bradford, pp. 193, 226. Title only is printed in Baskett, p. 62. Baskett states that the act was confirmed, but does not give date. Expired November 27, 1709.]

An Act for Encouragement of A Grammer Free Schoōl in the City of New-York.

[Passed, November 27, 1702.]

The Mayor, Aldermen and Comonalty of the City of Newyork having Represented unto the General Assembly of this Province the great Necessity there is of having a Free-School in the said City, for the Educacon and Instruction of Youth and Male Children; That Such Pious & necessary work may receive due encouragement, Be it Enacted by his Excellency the Governour and Council, and Representatives Conven'd in General Assembly, and by Authority of the Same, that there shall be hereafter Elected, Chosen, Lycensed, Authorized and appointed one able Skilfull and Orthodox person to be School-Master, for the Education and Instruction of Youth and Male Children of Such Parents as are of ffrench and Dutch Extraction, as well as of the English, may come and be Instructed in the Languages, or other Learning usually taught in Grammer Schools. And for the Encouragement of Such School-Master, Be it further Enacted by the Authority aforesaid, That henceforward Annually there shall be in the said City Assessed, Levyed, Collected and paid for the Space or term of Seven yeares, the Sum of ffifty pounds Current money of New York, for the mainteinance of the said School-Master, which Said Sum of fifty pounds shall be Assessed, Levyed, Collected and paid by Such persons, at Such times, in Such Manner, and proportions, and under Such penaltyes Respectively as is provided for the Assessing, Levying, Collecting and paying of the Sum of one hundred pounds P Ann for the minister of New York, by an Act of Assembly, Intituled, an Act for Settling a Ministry, and Raising a Mainteinance for them in the City of, New York, County of Richmond, West Chester and Queens

County, made in the fourth Year of King William and Queen Mary. Provided alwayes, that such School-Master shall, from time to time, as a Vacancy happens, be Chosen and Recomended by the Comon Council of the Said City for the time being, in order to be Lycensed and approved by the Right Hon'ble the Bishop of London or the Governour or Comander in Cheif of this province, for the time being, any thing herein Conteined to the Contrary thereof in any ways notwithstanding.

[CHAPTER 121.]

[Chapter 121, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Brinley's Bradford, pp. 191, 224. Title only is printed in Baskett, p. 62. Expired on May 1, 1709. (See chapter 81.)]

An Act for Continuing the Revenue.

[Passed, November 27, 1702.]

As a demonstracon of our Loyalty and Cordiall affection to her most Sacred Ma'ty, and for better Support of her Goverm't in this her Colony of Newyork, We, the Representatives of the People, in Generall Assembly, Desire that it may be Enacted, and be it Enacted by his Excel the Govern'r, by and with the Consent of her Ma'ties Council, and the Generall Assembly of this Colony, That the Rates, Duties & Excises made payable upon Merchandizes, Goods, furrs, and Liquors, shall be Levy'd, Collected and paid unto her most Excel Ma'ty for and during the Term of three Years next after the Expiracon of the Term Limitted in a Certain Act of General Assembly, made in the Eleventh Year of the late King William the third, Entituled, an Act for granting unto his Ma'ty Several Duties for the defraying the publick Charge of the Goverment, after the time Limitted in an Act, Entituled, an Act Confirming and Continuing unto their Ma'tys the Revenue Established by an Act of Generall Assembly for Defraying the publick and necessary Charge of the Goverment, is Expired, According to such Rules and Direccons, and under Such pains, penalties and fforfeitures, as is Expressed, Contained and Enjoyned in the said Act, or any of the Acts of Assembly for Establishing or Continuing a Revenue upon her Ma'tys Predecessors, for the Defaying the publick and necessary Charge of the Government; and the aforesaid Act; and every Article, Rule and Clause therein menconed, shalbe abide and remain in full force and Effect to all Intents and purposes, during the said Term of three years, that is to say, from the Eighteenth day of May, which wilbe in the year of our Lord One thousand Seaven hundred and Six untill the Eighteenth Day of May, which will be in the year of our Lord One thousand Seaven

hundred and Nine, as fully, and in like Manner as if the Same were particularly and at large Recited and Set Downe in the body of this Act, any thing to the Contrary hereof in any wayes notwithstanding.

[CHAPTER 122.]

[Chapter 122, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Brinley's Bradford, pp. 191, 224. Title only is printed in Baskett, p. 62. Defects in this act supplied by ch. 136.]

An Act for appointing and Enabling Commissioners to take, State and Examine the Acco'ts of the Revenue of this Colony, and the necessary Contingent Charge of the Government.

[Passed, November 27, 1702.]

For the better knowledge, Examinacon and Stating the Acco'ts of the Receipts, Issues and Distribucons of the publick Revenue of this Colony, and Such Taxes as have been from time to time Levyed upon the Inhabitants thereof by Acts of Generall Assembly, Be it Enacted by his Excel, by and with the Advice and Consent of the Council, and Representatives Convened in General Assembly, and it is hereby Enacted by the Authority aforesaid. That Rip Van Dam, Stephen De Lancey, John Barberie, Thomas Wenham and David Jamison, Gentl shall be, and are hereby Constituted and appointed Commissioners for taking, Stating and Examining the Acco'ts of the Revenue of this Colony, and the necessary and Contingent Charge of the Government, and the Stating the Acco'ts of all money of the said publick Revenue of this Colony, and the Acco'ts of Taxes, Subsidies or Aids granted unto the late King William the third, from and after the Arrival of the late Earl of Bellomont, late Govern'r of this Colony, until the first day of the Sessions of this present Assembly.

And be it further Enacted by the Authority aforesaid, That the said Com'rs, or any three of them, are hereby Impowered from time to time, to Issue forth their Warrants, under their hands and Seals, to order the Collector or Receiver General, or the Com'rs for Executing the Office of Collector and Receiver General of this Colony, for the time being, and Ordering him or them to lay before them the Accots of the publick Revenue, and all the Acco'ts of Taxes, Subsidies or Aids granted unto the late King William the third, from and after the Arrival of the late Earl of Bellemont, late Governr of this Colony, untill the first day of the Sessions of this present Assembly, together with all the Acco'ts of the Issues and Distribucons of the same, and every part thereof,

to any person or persons whatsoever, or for what use or uses Soever.

And be it further Enacted by the Authority aforesaid, That the Com'rs or any three or more of them are hereby Ordered to make Return of their proceedings herein, the first day of the next meeting of the General Assembly, unto the House of Representatives, to the end Such further Consideracon may be had in the Assembly of the matters aforesaid, as for the Peace and Welfare of this Colony shall be thought Convenient.

And be it further Enacted by the Authority aforesaid, That all and every the Com'rs aforesaid, shall take the Oath hereafter menconed, before any one of the Justices of the Supream Court of Judicature of this Colony, for the time being, who are hereby Authorized and Impowered to Administer the Same, Vizt I. A. B. do Swear, that according to the best of my knowledge and Skill, I shall faithfully, Impartially and truly, without favour or Affection to any, demean myself in taking, Stating, and Examining all the publick Acco'ts of this Colony, that shall be brought and Exhibited before me, So help me God.

And be it further Enacted by the Authority aforesaid, That the said Com'rs shall have Such Reward for and Concerning their Trouble in the matter aforesaid, as the General Assembly of this Colony at their Sessions shall Seem meet.

And further, be it Enacted by the authority aforesaid, That the said Com'rs shall and may Choose and appoint a Clerk for to Serve them in the matters by this Act Comitted to their Charge, who shall have and receive for his Sallary or Reward such Sum or Sums of money as the said Com'rs shall Judge and Award he reasonably shall Deserve.

[CHAPTER 123.]

[Chapter 123, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Brinley's Bradford, pp. 197, 230; Baskett, p. 58. Revived by chapter 155. Repealed by chapter 560.]

An Act for Regulateing of Slaves.

[Passed, November 27, 1702.]

Be it Enacted by his Excell'cy the Governour and Councill and Representatives conven'd in Generall Assembly, and by authority of the same, That no P'son or P'sons hereafter throughout this Province, do presume to Trade with any slave either in buying or selling, w'th'out leave and Consent of the Master or Mistress, on penalty of forfeiting Treble the value of the thing traded for, and the sume of ffive pounds Current money of New York, to the Master or Mistress of such slave, to be recovered

of such p'son or p'sons so trading contrary to the true intent of this Act, by Action of Debt, in any Court of Record w'th in this Province, where such sum or sums is Cognizable; and all bargains and Contracts made w'th any slave, contrary to the intent of this Act, shall be utterly void.

And be it further Enacted by the authority aforesaid, That hereafter it shall and may be lawful for any Master or Mistress of slaves to punish their slaves for their Crimes and offences att Discretion, not extending to life or Member. And for as much as the Number of slaves in the Citty of New York and Albany, and also in other Towns within this Province, doth daily increase, and that they have been found oftentimes guilty of Confederating together in running away, or other ill practices, Be it therefore Enacted by the authority aforesaid, That it shall not hereafter be lawful for above three Slaves to meet together att any other time, nor att any other place, than when it shall happen they meet in some servile Imploym't for their Master's or Mistress's proffitt, and by their Master or Mistress consent, upon penalty of being whipt upon the naked back, at discretion of any Justice of the peace, not exceeding fforty Lashes. And that it shall and may be lawful hereafter for any City or Town w'thin this Province; to have and appoint a Comon Whipper for their slaves, And for this sallary, itt shall and may be lawful for any City or Town within this Province, att their Comon Council or Town meeting, to agree upon such sum to be paid him by the Master or Mistress of slaves per head, as they shall think fit, not exceeding three shillings P head, for all such slaves as shall be whipt, as aforesaid.

And in Case any slave presume to assault or strike any ffreeman or Woman professing Christianity, it shall be in the power of any two Justices of the peace, who by this Act are thereunto authorized, to Comitt such slave to Prison, not exceeding fourteen days for one fact, and to inflict such other Corporal punishm't (not extending to life or limb) upon him, her, or them so offending, as to the said Justices shall seem meet and reasonable.

And be it further Enacted by the authority aforesaid, That no person or persons whatsoever do hereafter Imploy, harbour, Conceal, or entertain other mens slaves at their house, out-house or Plantation, w'thout the Consent of their Master or Mistress either signifyed to them verbally or by Certificate in writing, under the Said Master or Mistress hand, upon fforfeiture of five pounds for every night or day, to the Master or Mistress of such slave or slaves, So that the penalty do not excuse the value of Said slave; and if any person or persons whatsoever shall be

found guilty of harbouring, entertaining or Concealing of any slave, or assisting to the Conveying of them away, if such slave shall thereupon be lost, dead, or otherwise destroyed, such person or persons So harbouring, entertaining concealing, assisting or Conveying of them away, shall be also lyable to pay the value of Such slave to the Master or Mistress, to be recovered by action of debt, in manner aforesaid. And Whereas slaves are the property of Christians, and cannot without great loss or detriment to their Masters or Mistresses, be subjected in all Cases criminal, to the strict Rules of the Laws of England, Bee it Enacted by the Authority aforesaid, That hereafter if any slave by Theft or other Trepass shall damnifie any p'son or p'sons to the value of five pounds, or under, the Master or Mistress of such slave shall be lyable to make satisfaction for such damage to the party injured, to be recovered by action of Debt in any Court haveing Jurisdiction and Cognizance of Pleas to that value, and the slave shall receive Corporal Punishment, at Discretion of a Justice of the peace, and immediately thereafter be permitted to attend his or her Master or Mistress service, without further punishment. And it is further Enacted by the authority aforesaid, That hereafter no slave shall be allowed good evidence in any matter, Cause or thing whatsoever, excepting in Cases of Plotting or Confederacy amongst themselves, either to run away, kill or destroy their Master or Mistress, or burning of houses, or barnes or barracks of Corn, or the killing of their Master's or Mistress's Cattle and that against one another, in w'ch Case the Evidence of one slave shall be allowed good against another slave.

Provided that this Act shall be and continue in force only for one year from the publication thereof and no longer.

[CHAPTER 124.]

[Chapter 124, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Brinley's Bradford, pp. 195, 228; Baskett, p. 58. The act revived by chapter 174, and partly repealed by chapter 217. The signature of the Governor and date of signing seem to have been torn from the original law, but from the minutes of the council it appears that the act was signed by the Governor, November 27, 1702. (See Journals of Legislative Council, p. 189.)]

An ACT against Forging, Counterfeiting and Clipping of Foreign Coyn, which is Current Money in the Collony of New-York.

[Passed, November 27, 1702.]

FOR as much as by the Laws of this Collony no Condigne Punishment is at this time provided for such evil disposed

Persons as shall Counterfeit, Forge, Clip, File or otherwise lessen and debase such kind of Gold or Silver of other Realms, as current Money in payment within this Collony of New-York, where by divers evil disposed Persons as well without this Collony as within, are encouraged and imboldened Dayly to Counterfeit, Forge, Clip, File and otherwise lessen and debase such kind of Gold and Silver, and utter the same in this Collony, to the great detriment of her Majestys Subjects. Be it therefore Enacted by the Governour and Council, and Representatives conven'd in General Assembly, and by the Authority of the same, That if any Person or Persons hereafter shall falsely Forge, Counterfeit Clip, File or otherwise lessen or debase any such kind of Gold or Silver, as is the current Money of this Collony, and is permitted to be current within the same the Offenders therein, their promoters, aiders and abettors, being convicted thereof, according to the Laws of her Majesties Kingdom of England, of such Offences, shall be Imprisoned for the space of one whole Year and a Day, and forfeit all their Goods and Chattels, any Law, Usage or Custom to the contrary hereof in any wise not withstanding. Provided, That this Act shall be of force for the space of one Year, and no longer.

[CHAPTER 125.]

[Chapter 125, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Brinley's Bradford, pp. 202, 235. Title only printed in Baskett, p. 62.]

An Act for pr'venting doubts and Mistakes, and for Continueing process and Judiciall proceedings.

[Passed, November 27, 1702.]

THE Greivous and mortall Distemper which has the last Summer soe fatally afflicted the City of New York having been the occasion that the Sup'me Court of Judicature which used to be held and kept in that City on the first Tuesday in October yearely was adjourned to Jamaica in Queens County and then and there adjourned without day by reason that the same Court neither at the said City of New York nor at Jamaica aforesaid could Conveniently be holden and kept, ffor the pr'venting all doubts Questions and Scruples which can or may arise concerning the keeping or holding the said Court and for avoiding all manner of discontinuances whatsoever which by occasion thereof should or might or can or may happen or be in any matter or cause soever in the same Supreme Court. Be it Enacted by his Excellency the Governor by and with the advice and Consent of her Majesties Coun-

cill and Assembly and by the authority of the same That no pleas writts bills actions suites plaints processes or other thing or things whatsoever pleaded returned or depending or having day or dayes in the said Court, shall be in any wise discontinued or putt without day for or by reason of the not keeping or holding of the said Court either at New York or Jamaica aforesaid in October last, but that all and Singular the said pleas writts Bills actions suites plaints processes precepts and other the premisses aforesaid shall stand Continue and be good and effectuall in the Law to all intents and purposes as if the said Court had been actually kept and holden at New York in October as aforesaid any Law Statute Custome or usage to the Contrary hereof in any wise notwithstanding. And be it further Enacted by the authority aforesaid That all pleas writts Bills actions suites plaints processes pr'cepts and other thing or things whatsoever aforesaid pleadable or to be pleaded Returnable or to be returned, or having day in any manner whatsoever at the same Supreme Court which should have been holden and kept at New York in October last be and are hereby Continued and adjourned unto the next Supreme Court of Judicature to be holden and kept the first Tuesday in Aprill next at New York, And that all parties in any pleas writts Bills actions, suites plaints processes or other thing or things whatsoever having day given them to appeare at the said Court in October last are by virtue of this act to appeare at the said next Supreme Court in Aprill, And that all Sherriffs officers or other Ministers whatsoever and every of them Respectively keep in their hands all writts Bills processes and precepts and all other things whatsoever to them directed respectively Returnable or to have been returned at the said Court in October last, untill the said Court to be held at New York in Aprill next and then return the same into the said Court that such proceedings may be had thereupon as should have been had in Case the said Court had been kept at New York in October last.

[CHAPTER 126.]

[Chapter 126, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Brinley's Bradford, pp. 196, 229. Title only is printed in Baskett, p. 62. Livingston & Smith and Van Schaack, and Baskett, all state that this act was repealed by the Queen, June 26, 1708.]

An Act for the Repealing Several Acts of Assembly, and Declaring other Ordinances, publisht as Acts of Assembly, to be void.

[Passed, November 27, 1702.]

FOR as much as Several Acts and Laws have lately been past in this Colony, with plausible and Colourable Titles and preten-

ces, some of them Incongruous, and unjust in themselves, others to abtain private and Sinister ends, under the Cloak of publick good; many pretended Acts, as Laws, by persons unquallified by Right or Law to sit or Act in the Legislative power, and by Several as were not the Choice of the People, and all of them instead of being for the profit and advantage of the Subject, as they ought to be, have been, and prov'd to the Distruccon of property, the confining and Enervating of Liberty, Ruinous to Trade, to the Impoverishing of the People, a Discouragement to Industry, and hurtfull to the Settlement and prosperity of the Colony.

Be it therefore Enacted by his Excel the Govenr by and with the advice and Consent of her Ma'tys Council and Assembly, and by the Authority of the Same, That one Act of General Assembly, Entituled an Act for Regulateing Elections of Representatives in Generall Assembly in each Respective City and County within this Province. One other Act, Entituled, an Act to prevent Vexatious Suits and Settling and quieting the Minds of his Ma'ties peaceable Subjects within this Province. Also, one other Act, Entituled, an Act for Vacating, Breaking and Annulling several Extravagant Grants made by Col Fletcher, late Gover of this Province under his Ma'ty, and all and every the Branches, Clauses and Articles in all and any of them Contained, shall from and after the publicacon hereof, be Abrogated, Repealed, Annulled, and from thenceforth be utterly Void and of none Effect.

And be further Declared and Enacted by the Authority aforesaid, That all and every pretended Act and Acts of General Assembly, and every Sentence, Judgment, Decree, Order, Ordinance and Edict, Entituled, made pronounced, publish'd or Promulgated as an Act or Acts of General Assembly, or Law or Laws of this Colony, since the first day of August, in the Year of our Lord One thousand Seaven hundred and one, are, and hereby are Declared and Enacted to be utterly and wholly frustrate, null and void to all Intents, Constructions & purposes whatsoever, any Law, Statute or Custom to the Contrary hereof in any wise notwithstanding. And that the Memory of those pretended Act and Acts of General Assembly may be wholly Obliterated, Deleted and buried in perpetual Oblivion,

Be it further Enacted by the Authority aforesaid, That all Minutes, Notes, Memorials, Registry, Enrolments, Filing and Entries of all or any the said pretended Act or Acts, shall be defaced, taken off the File, Torn, Cancelled, or otherwise Totally Destroy'd, as if the Same had never been had, made, Declared Set forth, Publish'd or Promulgated.

Provided always, That this Act, or any thing therein Conteined, shall not Extend to Charge or burthen the Collector and Receiver Generall of this Colony, or the Commission'rs for Executing the Office of Collector and Receiver General for the time being, or any other person or persons whasoever, for Collecting or Receiving any publick moneys by Colour or pretext of any of the said pretended Acts of Assembly, but that the said Collector and Receiver General, and the said Commission'rs for Executing the Office of Collector and Receiver General, and other Person or Persons, as aforesaid, are hereby thereof & therefrom wholly Exonerated and Discharged, and therefore hereby Indempnified, any thing herein to the Contrary hereof notwithstanding.

[CHAPTER 127.]

[Chapter 127, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Brinley's Bradford, pp. 190, 232. Not in Baskett. (See chapter 77.) Continued by chapter 148.]

An Act for Enforcing and Continuing the Act for Encouraging a Post-Office in this Province of New York for four years and One half year, from the Moneth of April, which was in the year Seaventeen hundred

[Passed, November 27, 1702.]

WHEREAS the Act of General Assembly of this Province, made in the Year Sixteen hundred Ninety two Entituled, an Act for the Encouraging a Post-Office, And also an Act made in the year Sixteen hundred Ninety five. Entituled, an Act for Continuing the Act for Encouraging the Post-Office three Years Longer, after the Expiracon of the said Act; And also, another Act made in the Year Sixteen hundred Ninety Nine Entituled, an Act for Continuing the Act for Encouraging of the Post-Office two years Longer, after the Expiration of the last Act made for Continuance of the Same, are all Expired by their own Limitacon, the last of which ended in the month of April Seaventeen hundred And it being found very Advantagous to the Inhabitants of this Province, by the Preserving of Trade, and maintaining a mutuall Correspondence, amongst our Neighbouring Colonys and Plantacons, that the same should be Enforced and Continued, Be it therefore Enacted by the Govern'r and Council and Representatives Conven'd in Generall Assembly, and by the Authority of the Same, That the act, Entituled, an Act for the Encouraging a Post-Office, be Enforced and Continued for the term of four Years and One half year, from and after the moneth of April, which was in the year Seaventeen hundred, and all the Rates and Sums

of Money Establisht by Virtue of the said Act, upon Letters and Pacquets that shalbe received and dispatch'd by the Office and Offices, Contained in the said Act, shall be paid by the Space of ffour Years and one half year from and after the Moneth of April, which was in the Year Seaventeen hundred According to Such Rules and Directions, and under Such Penalties and forfeitures, as is Contained and Enjoyned by the said Act; and the aforesaid Act, Entituled, an Act for the Encouraging a Post-Office, and every Article, Rule and Clause therein menconed & Contained, shall be, abide, Remain and Continue in full force and Effect, to all Intents and purposes, during the said term of ffour years and one half year, from & after the Moneth of April, which was in the year Seaventeen hundred And no longer, as fully and in like manner as if the same were particularly and at large Recited and set down in the Body of this Act, any thing Contained therein, to the Contrary hereof in any wise notwithstanding.

THE NINTH ASSEMBLY.

Second Session.

(Begun Apr. 8, 1703, 2 Anne, Edward Lord Cornbury, Governor.)

[CHAPTER 128.]

[Chapter 128, of Livingston & Smith and Van Schaack, where the act is printed in full. Title only is printed in Brinley's Bradford, p. 221, 254; Baskett, p. 72. Baskett states that this act was confirmed by the Queen, March 30, 1704.]

AN ACT to Enable the Minister and Elders for the time being of the ffrench Prostestant Church in the City of Newyork to build a Larger Church for the worship of Almighty God in that Congregation to hold to them & their Successors for ever.

[Passed, June 19, 1703.]

WHEREAS Pieter Pieret Minister of the ffrench Protestant Church in the City of New York and John Barberie Paul Droillet, Elias Neau John David & Augustus Gray present Elders of the said Church are peaceably Seized and possessed of a certain Lott of Ground and Church built thereon for the use of the Congregation of ffrench Protestants in the said City Scituate & being in the street Comonly known by the name of Petticoate Lane butting northerly to the said Street Southerly to the ground of Jaspar Nissepat Deced Westerly to the Ground of Isaac De fforest Deced and Easterly to the Ground of Henry

Van ffeurden being in Length fforty Eight ffoot Nine Inches & in Breadth in the ffront Twenty Seaven foot Seven Inches and in the rear Twenty Eight foot Six Inches of which breadth on the West side from the ffront to the rear is taken off and reserved three foot & three Inches for a Comon Alley. And whereas the said Minister & Elders by Their Peticon have set forth that their Congregation is so much Encreased that the said Church is to small to Conteine them and that they are not at present in a Capacity to Divide themselves into two Congregations praying power and Liberty by Virtue of An Act of Assembly of this Province to sell and dispose of their said Ground and Church and to purchase ground and build thereon a larger and more Convenient Church to hold to the said Minister and Elders of the said Church for the time being and to their Sucessors for ever for the Publick worship of God in the said Congregation and for no other use whatsoever.

To the Intent that they the said Minister and Elders be Enabled to sell their said Ground & Church and that they and their successors may be better quallified in Law and Enabled to purchase other Ground build a Larger Church thereon and to hold use and enjoy the same to the said Pious use for ever. Be it Enacted by his Excellency the Governour and Council and Representatives of this Province in General Assembly Conven'd and by authority of the same, That from and after the Publicacon hereof It shall and may be Lawfull for the said Minister and Elders or the major part of them to grant bargain and sell the said Ground and Church in the said street called Petticoate Lane to any person or persons or body Politick or Corporate whatsoever Quallified to purchase houses Ground or other Estate of Inheritance., And the Sale of the said Ground and Church unto any person or persons or Body Politick and Corporate whatsoever to be made by the said Minister and Elders or the major part of them is and shall be deemed and adjudged good and Effectual in the Law to all Intents Construccons and purposes whatsoever, as if the same was made by any Single person Natural born Subject of England quallified to sell A Lawfull Estate of Inheritance in ffee simple and as if the same had never been appropriated to the worship of God by the said Congregation, And the said Ground and Church shall be and remain to the purchaser or purchasers thereof their Heires and Assigns for ever any Law usage Custome or pretence of right whatsoever to the Contrary or any defect or Disability in The Law whatsoever in any ways notwithstanding.

And Be it further Enacted and Ordained by the Authority aforesaid that no part of the money or other Consideration arising by the sale aforesaid of the said Ground and Church shall be disposed of to any Secular or profane use whatsoever but that the same shall be Expended and used in the purchasing of other more Convenient Ground or Scituation and in building thereon a Larger Church for the said Congregation for the Service and worship of Almighty God.

And Be it further Enacted and ordained by the Authority aforesaid that from henceforward it shall and may be Lawfull for the said Minister and Elders and their Successors to purchase and buy a Larger and more Convenient Tract of Ground within the said City for the Scituation of one Larger Church for the Service and worship of God and to Erect and build thereon a Larger Church and a Dwelling House for their Minister for the time being if they shall think fit to have hold use and enjoy the Same for the use and Intent aforesaid by the name of the Minister and Elders of the ffrench Protestant Church in the City of Newyork to them and their Successors for ever not Exceeding Two hundred foot Square any Law Custome or Usage to the Contrary or any former defect or disability in the Law whatsoever notwithstanding.

And to the Intent that the said Minister and Elders may be the better Enabled to carry on this Pious purpose and worke Be it Enacted and Ordained by the Authority aforesaid that henceforth it shall and may be Lawfull for the said Minister and Elders to Collect and receive from the Members of the said Congregation or from any other person or persons whatsoever their ffree and voluntary Contribucon or Benevolence towards the same for and during the Space of Seven years next Ensuing and that it shall, and may be Lawfull for ever thereafter for the Minister and Elders of the said Church for the time being to Contribute and Collect amongst themselves and the members of their own Congregation Such requisite And necessary Sum of money towards the Maintenance and Reparacon of their said Church Dwelling House for their Said Minister and other things appertaining thereunto any Law Custome or usage to the Contrary notwithstanding. Provided always and it is the true Intent and meaning of this Act that no manner of person or persons whatsoever within or without the said Congregation shall be Compelled or Compellable to Contribute any Sum or Sums of money for the uses aforesaid but are left to their ffree and voluntary offering or ablacon & not otherways.

[CHAPTER 129.]

[Chapter 129, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Brinley's Bradford, pp. 211, 244. Title only is printed in Baskett, p. 72. (See chapters 143 and 147.)]

AN ACT to enable the Justices of the Peace for the City and County of Albany to repair or to rebuild a Comon Goale City and County Hall for the said City and County and to pay the arrears of their Public Charge.

[Passed, June 19, 1703.]

WHEREAS the Representatives of the City and County of Albany in this Present Assembly by their Peticon have set forth that it is Recommended to them by the Justices of the Peace of the said City and County in their Generall Sessions at Albany the second of February in the first year of the Reign of our most Gracious Soveraign Lady Anne by the Grace of God Queen of England Scotland ffrance and Ireland Defender of the ffaith &c to lay before the Assembly their great want of a Comon Goal and a new City and County Hall and other things needfull for the publick Administracon of Justice in the said City and County and of a ffund for payment of the Arrearages of their by past Publick Charge notwithstanding the Provision made for the defraying the respective Charge of each County within this Province by An Act of Generall Assembly made in the third year of King William and Queen Mary Entitled an Act for defraying of the publick and necessary charge throughout this Province and for Mainteining the Poor and preventing of Vagabonds.

Be it therefore Enacted by his Excellency the Governour and Council and Representatives of this Province in Generall Assembly met and Assembled and by Authority of the same that for and during the terme and Space of three years from and after the publicacon of this Act, It shall and may be Lawfull for the Justices of the Peace of the said City and County for the time being or the major part of them at any time or times within the said terme of three years to raise Such Sum and Sums of money not Exceeding ffour hundred pounds during the said term upon the ffreeholders and Inhabitants of the said City and County as they shall Judge needfull and requisite for the repaireing or building of a Sufficient Gaole City and County Hall and other things needfull for the Administracon of Justice in the said City and County and for payment of their by past arrearages of the City and County Charge Provided the mannor of Renslaerwick do not nor

shall pay the Arrearages of the Representatives for the County of Albany which Sum and Sums of money So raised as aforesaid shall be Assessed and Collected by the Assessors and Collectors of the said City and County Annually Elected for the Assessing and Collecting of publick moneys raised or to be raised in the said City and County in Such manner and Convenient time or times as the said Justices of the Peace or the major part of them by warrants under their hands and Seals shall Limitt and appoint which said Sum and Sums of money so raised Assessed and Collected shall be paid unto the Treasurer of the City and County of Albany or such other person or persons as the said Justices of the Peace or the Major part of them shall thereunto appoint for the uses aforesaid which said Treasurer or person or persons so as aforesaid appointed to receive the Same shall keep a Distinct Just and true account thereof and make payments of the Same to and for the uses aforesaid, and to no other uses whatsoever by Warrants or orders under the hands and Seals of five persons or the Major part of them who are and shall be appointed Mannagers of the said buildings by the said Justices or the major part of them and be accountable thereof to them or the Major part of them and to no other Supervisor or Supervisors or other person or persons whatsoever any former Law usage or Custome in this Province or the said City or County to the Contrary hereof in any ways notwithstanding. And be it further Enacted by the Authority aforesaid that the said Justices or the Major part of them have power and Authority and at the time they shall Deliver their Warrants to the said Assessors shall Administer an Oath to the said Assessors well and truly Equally and Impartially and in Due Proporcon as it shall appear to them according to their best understanding to Assess and rate the ffreeholders and Inhabitants of the respective places for which they are or shall be Chosen Assessors.

And be it further Enacted by the Authority aforesaid that if any of the said Assessors or Collectors shall deny or neglect to make such Assessment and Collection as aforesaid it shall and may be Lawfull for any two or more of her Maties said Justices by warrant under their hands and Seals to Commit Such offendor to the Comon Goale there to remain without Baile or Mainprize till he shall make ffine and Ransom to her Maty for such his Contempt as aforesaid in which Case it shall be in the power of the said Justices or the Major part of them to appoint others in the room to all Intents Construccons And purposes So that this Act be fully put in Execucon

And be it further Enacted by the Authority aforesaid that if any person or persons rated and Assessed any Sum or Sums of

money by Virtue of this Act shall deny or delay to pay and Sattisfy the Same it shall and may be Lawfull for such Collector by warrant under the hand and Seal of any Justice of the Peace next residing to the said Offender or of any other Justice of the Said City & County in Case of his absence who by Virtue of this Act are Authorized and required to Grant the Same to Levy the Same by distress and Sale of the offenders goods returning the overplus if any be to the Owner the Sum Assessed and Charges of distresse and Sale being first deducted.

[CHAPTER 130.]

[Chapter 130, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Brinley's Bradford, pp. 210, 243. Title only is printed in Baskett, p. 71. Livingston & Smith and Van Schaack state that the act was confirmed by the Queen, January 8, 1708. See communication of Lords of Trade to the Queen recommending its confirmation in Doc. Rel. to Col. Hist., vol. IV, p. 1123.]

AN ACT Declaring the Illegality of the Proceedings agst Coll Nicholas Bayard & Alderman John Hutchins for pretended High Treason, and for Reversing and making null and voyd the said Judgments and all proceedings thereon

[Passed, June 19, 1703.]

WHEREAS in the month of ffebbry and March In the year of our Lord one thousand seven hundred and one, there was a Crafty and Malitious Prosecution agst Coll Nicholas Bayard of the Citty of New York and Alderman John Hutchins of the Same Citty for pretended Crimes & Misdemeanors alleadged against them Upon w'ch they were Indicted and sentence of Death past upon them and other Penaltys as in Cases of High Treason w'ch: matters haveing been fully heard and Examined before her Most Sacred Majty in Councill Att the Court att St. James's the one and twentieth day of Jan'ry one thousand seven hundred and two; Upon Consideration thereof her Majty being sensible of the Undue and Illegall proceedings ag'st the said Bayard & Hutchins was then most graciously pleas'd in her Royall Justice & bounty to order that her Attorney Generall here should be directed to Consent to the Reversing those sentences & to whatever else may be Requisite in the Law for the Re-instateing the said Bayard & Hutchins in their Honour and Property as if no such Prosecution had been. And forasmuch as the said Nicholas Bayard and John Hutchins are in no wayes Guilty of any Crime in those matters objected against them or either of them and that her Majestys Just Pleasure and Royall Inclination for the Reliefe

of her distressed subjects may take their speedy and due effect. BEE it therefore Declar'd & Enacted by his Excellency the Governour by and with the advice and Consent of her Maj'ies Councill and the Generall Assembly of this Collony & it is hereby declared and Enacted by the Authority of the Same that the said Proceedings and Prosecutions, for the Same feigned and pretended Crimes and Misdemeanors are & were undue and Illegall and the Judgement and Judgements, sentence and sentences, against the Said Coll Bayard and Alderman Hutchins and all and every matter and thing relateing thereunto are Reversed annulled and made void and of no effect to all Intents, Constructions, and Purposes whatsoever and the Said Nicholas Bayard and John Hutchins hereby are and are declared and hereby Enacted to be as to their Honour and Property in the same state Right and Condition as if no such Prosecution, Tryall, Judgement, or sentence had been.

And to the end that right may be done to the Said Collonell Bayard and Alderman Hutchins and to the Intent that the Memory of these matters may be put into perpetuall Oblivion and that such evill Practices and Proceedings may not hereafter be brought into Example to the prejudice of any person or persons whatsoever, BEE it further Enacted by the authority aforesaid that all Judgements & sentences, records Process and Proceedings and all other matters and things relateing thereunto be wholly obliterated cancelled and utterly distroyed, any Law statute or Custome to the Contrary in any wise notwithstanding.

[CHAPTER 131.]

[Chapter 131, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Brinley's Bradford, pp. 222, 255; Baskett, p. 65. Continued by chapter 154.]

AN ACT for the Laying out Regulateing Clearing and preserving Publick Comon highways thro'out this Colony.

[Passed, June 19, 1703.]

For the better Laying out ascertaining, Repairing and preserving the Publick Comon and General highways within this Colony. Be it Enacted by the Govr. Council and General Assembly of this Colony and by the Authority of the same. That there be laid out preserved and kept for ever in good and Sufficient Repair one Publick Comon & General highway to Extend from the now Scite of the City of New York thro' the City and County of New York and the County of West Chester of the breadth of four Rod English Measure at the least, to be Continue and remain

for ever the Publick Comon General Road and highway from the said City of New York to the adjacent Collony of Connecticutt. And also one other Publick Comon and General Highway to Extend from the fferry in Kings County thro' the same County, Queens County and the County of Suffolk of the same breadth of ffour Rod English Measure at the Least to be Continue and Remain for ever the Publick Comon General Road and Highway from the fferry aforesaid to the Town of East Hampton in the County of Suffolk. And one other Publick Comon General Highway to Extend from Kings Bridge in the County of West Chester thro' the same County of West Chester Dutchess County and the County of Albany of the breadth of Four Rod English Measure at the Least to be Continue and remain for ever the Publick Comon General Road and Highway from King Bridge aforesaid to the Ferry at Crawlew over against the City of Albany. And further one other Publick Comon General Highway to extend from the Southerly Bounds of the County of Orange, thro' the Same County of Orange to the County of Ulster & County of Albany of the breadth of four Rod English Measure at the least to be Continue and remain for ever the Publick Comon General Road and highway from the Southerly bounds of the County of Orange aforesaid to the City of Albany & from thence to the Town of Schanectady in the County of Albany aforesaid. And also one other Publick Comon General Road and highway in the County of Richmond from the fferry at the watering place thro' the said County to Billups point over against Amboy in the Province of East new Jarsey.

And be it further Enacted by the Authority aforesaid That there shall be Comon Highways Laid out, assertained repaired & preserved for ever of the Breadth of ffour Rods English measure as well from the Several Towns and Villages within this Collony to their next Contiguous Towns and Villages and from one Town or Village to another as to the severall and respective publick Comon and General Roads and Highways before mentioned and to Such Convenient Landing places in each respective Town & Village where their respective Scituacons will afford and require it for the better & easier Transportacon of goods and the Commodious passing of Travellers as Direct and Convenient as the Circumstances of place will admit of at the direccons of the Commrs. respectively hereafter menconed.

And be it further Enacted by the Authority aforesaid if any person or persons from and after the Publicacon hereof shall Girdle Bark or Cutt down any Liveing Tree or Trees Standing and Growing in any Comon and publick Road or highway already laid out or now Comonly used as Such or that hereafter shall

be laid out assertained and appointed of the Diameter of four Inches or above shall forfeit for each living Tree So cut down the Sum of Ten shillings to be recovered by Plaint before any of her Ma'ty Justices of the peace in the Town or precinct where Such Offence shall be Comitted who by Virtue hereof hath and shall have power and Authority to Examine hear and Determine the Same one half to the Party who shall Complain and Sue for the Same, and the other half to the Poor of the respective Town or Precinct where Such offence shall be Comitted.

And be it further Enacted by the Authority aforesaid, That if any person or persons whatsoever after ye publicacon hereof shall Stop up Lessen contract, narrow or Incroach on any Comon General or publick Road or highway within this Collony and shall thereof be Convicted before any of her Ma'tys Courts within the same Collony by the Due Course of the Laws thereof shall Suffer Such pain by ffine and Imprisonment as by the Consideracon of the same Court shall be Awarded, and the same nusance to be forthwith thrown down pulled up or removed.

And be it further Enacted by the Authority aforesaid That the respective owners of the Severall Townships Mannors and Lands by or thro' wch any Comon General or Publick Road or Highway shall be Laid out assertained and appointed shall be bound and Obliged from time to time and at all times hereafter well and Sufficiently to Clear amend and Repair as occasion shall require all Such Roads and Highways as shall be laid out and run by or through their or any of their Lands respectively as aforesaid under pain of ffine and Imprisonment for every Omission or neglect to be Prosecuted in the Courts aforesaid by presentment or Indictment by Good and Lawfull men of the Places where Such Offences respectively shall be Comitted.

And for the better putting this Act in Execucon. Be it Enacted by the Authority aforesaid, That Com'rs shall be and are hereby appointed thro'out this Collony who shall be and are hereby Impowered Authorized and required with all Convenient Speed to put this Act and every matter and Clause therein in due Execucon acording to the true Intent and meaning hereof in and thro' their respective Countys & districts for which they shall be nominated and appointed, That is to say for the County of Suffolk Mr Thomas Helmes Lieut Joseph Peirson & Mr John Turtle. For Queens County Col. John Jackson Mr Thomas Stevenson & Edward Burrows Esqrs. For Kings County Mr Peter Cortilleau Joseph Hegerman Esqr & Mr Benjamin Vandewater. For ye County of Richmond Capt Joseph Billup Captain Nicholaus Manning & Mr Jacob Peulion. For the City and County of New York Mr William Anderson Mr Clement Elsworth

& Mr Peter Oplenous. For ye County of West Chester, Mr Joseph Heavyland, Mr Adolph Phillips & Mr Joseph Drake, For Dutchess County, Mr Baltus Van Clifft Mr. Johannus Tarbus & Mr Robert Livingston. For the City and County of Albany, Col Kilian Van Renslaer, Maj'r Derrick Wessels Mr John Brunk & Mr Evert Banker. For the County of Ulster Mr John Cock, Mr Jacob Aertson & Mr Abraham Hasbrook, and for the County of orange Mr Peter Hearing Mr Johannus Blovelt & Mr Albert Minner, and if any of the said Comr's shall happen to dye or refuse to serve before the services by them in this Act required to be done and performed be accomplished and perfected, the Deputys or Representatives for the time being for the respective Citys and Countys where such Comr or Comrs shall happen to dye or refuse to serve are hereby required and Authorized to Nominate and appoint under their hands and Seals others in the stead and place of those who shall Soe dye or refuse who are & shall be Commissr or Comissrs for Such respective County to all Intents as if they had been Actually Nominated and appointed in and by this present Act.

And be it also Enacted by the Authority aforesaid, That the said Commissrs or any two of them respectively for the respective Citys & Countys for which they are nominated Commissioners w'ch said Commissrs and every of them shall remain Continue and be Commissrs to all Intents Construccons and purposes in this Act menconed for the Space and Term of three years from the Publicacon hereof shall take effectual care that this Act and every Clause matter and thing therein Contained be put in Execucon according to the true Intent and meaning hereof and the Several Comon General and publick Highways herein before menconed well and sufficiently laid out Assertained and declared as well for the Carriage of goods as the passage of Travellers within the space of eighteen months from and after the Publicacon of this present Act.

And in regard the Duty and Services by this Act required of the respective Commissrs cannot be done and performed but by Some Considerable Labour Losse of time and Expence Be it therefore Enacted by the Authority aforesaid.

That the said Commissrs and each of them shall during the time they and each of them be Actually upon the Service and duty by this Act required of them have and receive the Sum of Six shillings by the day Currant money of this Collony towards Defraying the necessary Expence and Charge they and each of them shall be at during the time they and each of them shall be Actually upon the Service and Duty aforesaid to be paid by the respective Citys and Countys they serve for, and the Several and

respective Supervisors, Treasurers and other persons and officers Authorized Imployed or appointed for the raising Levying and paying the Charge of the severall Citys and Countys within this Collony are hereby Comanded and Enjoyn'd to raise Levy and pay the same under the penalty of Ten pounds for each refusall Neglect or omission to be recovered by any of the respective Commissrs before named who shall be defrauded or delayed of the sum or sums of money allowed by this Act by Accon of debt to be brought in any of her Mat'ys Courts of this Collony.

And be it also Enacted by the Authority aforesaid, That the Same Commissrs or any two of them as aforesaid for their respective Citys and Countys for which they are and shall be appointed at their discrecon as they shall Judge fit and Convenient shall and may permit order Suffer and allow good Easy sufficient Swinging Gates in any of the Comon Highways for the severall Towns and Villages within this Collony to their next Contigious Towns and Villages and from one Town or Village to another as also to the Severall Publick Comon and General Roads and Highways and to Such Convenient Landing places as before menconed always Provided the Same Gates be made Set up and maintained at the Costs Charge and Expence of the person or persons respectively at whose desire Instance and request the Same Gates are or shall be permitted and allowed.

And that the said Commrs or any two of them where necessity or the Conveniency of Such Road or Highway shall require it shall and may direct order and allow the selling Cutting and Carrying away or Consuming any Living Tree or Trees whatever for the Clearing of any Road Path or Highway any thing before in this Act to the Contrary hereof in any ways notwithstanding.

And further that it shall and may be Lawfull for the said Commissrs or any two of them as aforesaid where any fence or Inclosure is or shall be at the Publickacon hereof made Erected or Set up Contracting Narrowing or obstructing any of the Roads or Highways before menconed to give Such reasonable time for the removing pulling up or Levelling Such ffence or Inclosure not Exceeding more than two years from the publicacon of this Act as to them ye Said Comrs shall appear Equitable Just and Convenient.

And be it further Enacted by the Authority aforesaid that where it shall So happen that the said Road or highways shall lye Run or be laid out where the bounds of Severall Countys are in dispute the Commrs or any two of them of both those Countys respectively shall be lyable and take effectuall care that

this Act & every Clause therein be put in Execucon any Such Dispute or any other Doubt or Controversy notwithstanding.

And be it further Enacted by the Authority aforesaid That the Comrs hereinbefore by this Act appointed and Authorized and hereafter to be appointed and Authorized as in this Act is Directed for the Space and term of three years before menconed and after ye Expiracon of the said three years the Surveyors for ye highways in An Act of General Assembly menconed, Entituled An Act for the Enabling each respective Town within this Province to Regulate their ffences & highways and make prudential orders for their peace and orderly Improvements are hereby Comanded and required Authorized Impowered and appointed to take care that this Act and every Clause matter and thing in the Same Conteined be duely truely and Effectually performed done and put in Execucon acording to the true Intent and meaning of this Act under the Penalty of Twenty pounds for every ommission neglect or refusall the one half thereof to her Maty her heires and Successors to be Applied to the Contingent Charge of the Goverment and the other half to the Party who shall Sue for the Same by Accon of Debt in any of her Ma'tys Courts within this Collony.

Provided always and it is the true Intent and meaning of this Act that all the Roads and publick Highways by this Act Intended shall be of four Rod at the Least in Such as are now already used and laid out and of the breadth of Six Rod at the least where any new Publick Rod or Highway shall hereafter by Virtue of this Act be laid out.

Provided also that the publick Rods and Highways in the Countys of Ulster & Albany shall be laid out & assertained according to the Demensions and as in this Act is before Expressed Except where Such highways shall run thro' meadow Ground to be only Twenty foot wide and not otherwise and that the Same Highways shall and may be Cleared and maintained according to the methods formerly and at present used and practised in ye Said Countys.

Provided also that in the Countys of Orange and Dutchesse altho' the ways to be laid out shall be of the breadth of Six Rod at the least the said Countys are not hereby Obliged to Clear or maintain any other path or Highway than for Horse and man only, nor in The County of Ulster from the Palls to Orange County.

And be it further Enacted by the Authority aforesaid That the Commiss'rs for every respective County shall return to the Clerk of every County respectively a full & perfect Report and discription of ye Manner & Extent of every Road they shall from

time to time lay out and the Clerk of every County is hereby required to record all and every Such Return and Report as the Respective Com'rs shall from time to time make to them pursuant to the Direccons of this Act

[CHAPTER 132.]

[Chapter 132, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Brinley's Bradford, pp. 215, 248. Title only is printed in Baskett, p. 72. Expired at the next session, after May 31, 1710.]

AN ACT for Prohibiting the Distilling of Rum and burning of Oysters Oyster shells or Stone into Lime within the City of New york or within half a miles Distance of the City Hall of the said City.

[Passed, June 19, 1703.]

WHEREAS the Distilling of Rum, molasses, and other Such like Liquors as also the Burning of Oysters, Oyster shells and Stone into Lime within the City of New York hath been very Offensive and unwholesome to the inhabitants thereof, and is now become a Comon Nusance amongst them, for the prevention whereof, Be it Enacted by the Governour Council and Representatives of this Province in General Assembly Conven'd and by the Authority of the same, That from and after the Publication of this Act no person or persons whatsoever, shall presume to distill any Rum, Molosses or other Such like Liquors, or to burn any Oysters Oyster shells, or Stone into Lime in any House shedd, or other place or places within the City of New York aforesaid, or within the distance of half a Mile from the City Hall of the said City, upon any accompt or pretence whatsoever, And that every person and persons, that from and after the time set and Limitted aforesaid, shall presume to offend in any of the particulars aforesaid shall forfeit and pay, for every time he she or they shall be so found offending, the Sum of ffive pounds Currant money of this Colony, The said respective Forfeitures, after the same shall accrew, to be Sued for and Recovered, by Action Bill, Plaint or Informacon in the Supreme Court of Judicature for the Colony aforesaid by any person or persons that will Informe or sue for the same, one moiety of the fforfeitures aforesaid, to be to the Informer him or her that Sues for the Same, the other Moiety thereof to be to the Corporation of the City of New York for the use & benefitt of the poor of the said City and no Essoin, protection, wager of Law or Imparlance to be allowed in any Suite or Action aforesaid. PROVIDED always that no Suite or Action shall be brought or Comenced for any the forfeitures

aforesaid but within Seven months after the Offence committed, and not otherwise. And if any Slave Labourer or other Servant or hireling shall be guilty of the breach of this Act in any the particulars therein named and become liable to any the fforfeitures aforesaid That then and in Such Case the Master, Mistresse, owner, hirer or Imployer of such slave or servant so guilty as aforesaid respectively shall pay the said fforfeitures, for such slave Servant or hireling aforesaid, & shall be lyable to such Suite & Action for the same as aforesaid any thing herein Conteined to ye Contrary thereof in any wise notwithstanding.

Provided also that this Act shall have Continuance for the terme and Space of Seven years or to the end of the next Session of the Generall Assembly of this Colony.

[CHAPTER 133.]

[Chapter 133, of Livingston & Smith and Van Schaack, where the act is printed in full. Printed in full in Brinley's Bradford, pp. 213, 246; Baskett, p. 69. Confirmed by the Queen, May 20, 1708. (See Fowler's Bradford, p. CXXXVIII.) The act explained is chapter 6.]

AN ACT for the better Explaining and more Effectual putting in Execucon An Act of General Assembly made in the third yeare of the Reign of their late Majties King Wm. and Queen Mary Entituled An Act for defraying of the Publick and necessary Charge thro'out this Province and for mainteining the Poor and preventing Vagabonds.

[Passed, June 19, 1703.]

Forasmuch as many disputes Cavills Controversies and mistakes have happened and been Occasioned as well by the Generallity of the Words in a Certain Act of General Assembly Entituled An Act for defraying of the Publick and necessary Charge thro'out this Province and for mainteining the Poor and preventing Vagabonds, as many other Omissions and defects Experience has found and observed in the same Act. Be it therefore Enacted by the Governour and Council and Representatives Conveen'd in General Assembly and by the Authority of the Same. That be Elected and Chosen once every year, in each respective Town within this Province by the ffreeholders and Inhabitants thereof, one of their ffreeholders and Inhabitants to Compute Ascertaine Examine Oversee and allow the Contingent Publick and necessary Charge of each County, And that each and every Inhabitant being a ffreeholder in any mannor Liberty Jurisdiccon Precinct and out Plantacon shall have Liberty to

Joine his or their Vote with the next Adjacent Town in the County where such Inhabitant shall dwell for Choice of a Supervisor Except the Mannor of Renslaerwick who shall have liberty to Choose a Supervisor for the same mannor. And also that there shall be in each Town Mannor and precinct by the ffreeholders and Inhabitants thereof in every respective County Annually Chosen two Assessors and one Collector which Supervisors Assessors and Collectors shall be Annually Chose in every Town on the first Tuesday in Aprill or Such days as is appointed by their Charters or Pattents which Supervisors so Chosen shall Annually meet at the County Town in each respective County on the first Tuesday in October and at such other time and times as the said Supervisors shall Judge and find Necesssary and Convenient to Examine & Compute all Such Publick necessary & Contingent Charges as they shall find their respective Countys properly Chargeable w'th and all Such other Sum & Sums of money as shall be brought, & Exhibited to or before them, that have or shall be Imposed or laid on the same Countys by the Laws of the Collony wch Computacon being made and perfected and the Proporcon of each Town, Mannor, Liberty Jurisdiccon and Precinct within the respective Countys ascertained & appointed wch the said Supervisors or the Major part of them for the Several Countys respectively are hereby Impowered and required to Ascertain and appoint shall be transmitted under the hands and Seals of the said Supervisors to the Assessors of each respective Town Mannor Liberty Jurisdiccon and Precinct Chosen as aforesaid wch Assessors are hereby required Equally duely and Impartially to Assess and make a Rate for their Respective proporcons being first Sworn Equally duely & Impartially to make Such Assessment before any of the Justices of the Peace for the Same County where such Assessors shall reside (who are hereby Authorized and Required to Administer Such oath) wch Assessment being so made shall be delivered to the respective Collectors who are by this Act Impowered to Collect and pay the Same unto the County Treasurer who shall be Annually Chose in each respective County by the Supervisors aforesaid, And if any person or persons shall refuse or neglect to pay the said Assessment or Rate that it shall & may be Lawfull for the Collectors aforesaid to Collect and Levy the Same by distress on the Goods & Chattles of the Defaulters by Warrant under the hand and Seal of the Supervisors of each respective County aforesaid or the Major part of them who are hereby obliged to Affix Such Warrant aforesaid to each Assessment so to be transmitted to the Collector as aforesaid who are hereby required to pay and Lodge in

the hands of the Treasurer of each respective County the sum & sums of money by them respectively Collected according to the Computacon of the Contingent Charges made and perfected as aforesaid And the said Treasurer shall receive and pay all Such Sum & Sums of money Assessed Collected and paid in, as aforesaid according to the said Computacon by warrant under the hands and seales of the said Supervisors or the Major part of them respectively, And the said Treasurers shall keep a distinct Book of Accot's of the receipts Disbursements and payments of the money so Assessed & Collected as before menconed. And once every year at the Annual Meeting of the said Supervisors bring in and Exhibite his or their Accounts before them for their Audit thereof. And they are and shall be hereby made lyable to An Accon of Accot to the Supervisors of each County or the major part of them respectively for all Such Sum or Sums of money they shall receive as aforesaid, w'ch Said Supervisors are by this Act Impowered and Entituled to Sue Maintain & prosecute such Action for the use of their respective Countys and the said Treasurers shall and may plead & Discharge themselves in such manner as other Receivers or Bailiffs by the Law may can or ought to do. And further that the said Collectors shall be allowed to take and Receive Nine pence for each pound they shall so Collect as aforesaid, And that the said Treasurers shall retain and have Six pence on ye pound for what moneys they shall receive and pay as aforesaid to witt three pence for receiving and three pence for paying And be it further Enacted by the Authority aforesaid That if the Supervisor or Supervisors Assessor or Assessors Collector or Collectors Treasurer or Treasurers so Chose as aforesaid shall deny neglect refuse delay or faile to do performe and Execute all and every or any Clause Article thing and things required and Contained in this Act, on such days times & in manner hereinbefore Expressed according to the true Intent and meaning thereof. They and each of them so denying neglecting refuseing delaying or failing as aforesaid shall forfeit five pounds Currant money of this Collony for every Such their Offence to be recovered by the person or persons who is or shall be delayed wronged or injured by any such their or any of their offence in any of her Matys Courts in this Collony wherein no Essoin Protection wager of Law or any more than one Emparliance shall be allowed, besides being lyable to an Accon of Trespass grounded on the Case to every Such person who shall be so delayed Wronged or Injured any Law Statute or Usage to the Contrary hereof in any wise notwithstanding.

And be it further Enacted by the Authority aforesaid That the Supervisors Assessors and Collectors for the severall and respective Towns within this Collony from whom Yearly Quit Rents or Cheif Rents are due or hereafter shall become due or on whom Such Rents are Chargeable are hereby Impowered and Required to take Effectual care that the Same be duely and truely paid, according to the true Intent meaning and Expression of their Several Pattents and Grants and that the same Assessors shall Yearly and every year Assess the several ffreeholders of the said Towns Respectively according to the part share & proporcon of Lands within each respective Town Such ffreeholder or ffreeholders shall have hold possess and enjoy for and towards the Dischargeing and paying such Cheif or Quit Rent or Rents Respectively, and that the said Collector shall by Warrant under the hand and Seale of the Supervisor Collect Levy and pay the same in such manner as before in this Act is set forth and Expressed for the Raising Assessing Collecting and paying the publick and necessary Charge of each County in this Collony.

And be it also Enacted by the Authority aforesaid That in Case any Supervisor Assessor Collector or Treasurer after having been so Chosen and Elected as aforesaid shall happen to dye refuse to Serve or depart the Collony after such his Election and before the end and Expiracon of the year for wch he or they are Chosen the respective Town or County where such person shall happen to dye refuse or depart from shall and may and are hereby Authorized and required to proceed to a new Choice of Such Collector Assessor Supervisor or Treasurer as shall be wanting for the remaining part of the year, And in Case the ffreeholders and Inhabitants of any Town or Precinct or the Supervisors of any County within this Collony shall neglect deny or refuse to Elect and Chose A supervisor Assessor Collector or Treasurer in the manner in this Act before Exprest. The Justices of the peace of the respective Counties wherein such Town or precinct shall lye or the major part of them being not under the number of five are hereby Authorized Impowered and required under their hands and Seals to nominate and appoint a Supervisor or Supervisors Assessor or Assessors Collector or Collectors or Treasurer in the Room Stead and place of Such Supervisors Assessors Collectors or Treasurers so omitted to be Chosen, who shall be Supervisors Assessors Collectors and Treasurers to all Intents and purposes with the like powers and Subject to the same Rules Pains and Penalties as any supervisor Assessor Collector or Treasurer Chosen or Intended to be Chosen and Elected pursuant to and by Virtue of this Act.

[CHAPTER 134.]

[Chapter 134, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Brinley's Bradford, pp. 216, 249. Title only is printed in Baskett, p. 72. Baskett states, that the act was confirmed by the Queen, March 30, 1704. (See chapters 33 and 141.) Van Schaack states that the act expired by the death of Mr. Vesey, July 10, 1746.]

An Act for the better Establishment of the maintenance for the Minister of the Citty of New York.

[Passed, June 19, 1703.]

WHEREAS the Inhabitants and ffreeholders in the City of New York have heretofore made Divers Voluntary Contributions and Subscriptions Amongst themselves, in order to the laying the foundation of a Church and Steeple in the sd City, and have thereby Advanced the Same so far as to the finishing the said Church, & the building of the Steeple to a Convenient Height above Ground, with a purpose to Proceed and finish the Same. And Whereas before the Building the said Church (that is to Say,) in the year of our Lord 1693 An Act was made by the General Assembly of this Province, Intituled, An Act for the Setling a Ministry & raising a Maintenance for them in the City of New York, County of Richmond, West Chester and Queens County, wherein amongst other things it was provided and Enacted, That there Should be Called, Inducted and Established in the City of New York a good Sufficient Protestant Minister, to Officiate and have the Care of Souls; and that there Should Annually be Assessed, Levyed, Collected and paid for the maintenance of Such Minister, the Sum of One hundred pounds, w'ch said Sum of One hundred pounds, Since the Building of the said Church, hath been paid unto Mr. William Vesey, the present Rector or Incumbent thereof, w'ch being thought an insufficient mainteinance for the said Incumbent, by the Wardens & Vestry of the said Church, has hitherto, for Some time, been Supplied by an Addition out of the Voluntary weekly collections from the Inhabitants of this City, and People frequenting that Church, w'ch were otherwise Intended towards the perfecting the said Church and steeple, & other pious and religious uses, The General Assembly of this province, for the better Maintenance & further Encouraem't of the said Mr. William Vesey, have thought fit to Enact, AND BE IT ENACTED by his Excell. the Govr, by and with the Advice and Consent of her Majties Councill and Representatives in Generall Assembly mett and Conven'd, and it is hereby Enacted by the authority of the Same; That in

Lieu and Stead of the above said Sum of One hundred pounds, mentioned to be raised and paid by the above recited act of General Assembly, there Shall Annually and Once in every year (for and dureing the Natural Life of the said Mr. William Vesey, present Incumbent of the said Church, and so long as he Shall Officiate as Minister of the same) be Assessed, Levyed, Collected and paid, for the Maintenance of the said Mr. William Vesey, Rector of the said Church, the Sum of One hundred and Sixty pounds Current Money of New York. And for the more regular and orderly raising The said Sum of One hundred and Sixty pounds, Bee it Enacted by the authority aforesaid, That the Justices of the Peace of the City and County of New York, or any two of them shall every year Issue their Warrants to the Constables of each respective Wards within the said City to Sumons the ffreemen and ffreeholders of the said City together, on the Second Tuesday in January for the Chusing of Ten Vestry men and two Church Wardens, and the said Justices or any two of them Shall within two Months after the said day call together the Vestrymen, so Chosen as aforesaid, and they or the Major part of them, are hereby Impowered and required to lay an Equall Tax on the Inhabitants of the said City of New York, for the raising the aforesaid Sum of One hundred and Sixty pounds; And be it further Enacted by the authority aforesaid, That Such of the Vestry men as Shall not be present at the time Appointed to make the said Tax, and thereof be Convicted by a Certificate under the hands of Such as doe Appear, and have no Sufficient Excuse for the same, Shall respectively fforfeit ffive pounds Currant money aforesaid; And a Roll of the said Tax, so made shall be Delivered into the hands of the Constable of each respective ward of the said City, with a warrt Signed by any two Justices of the peace of the said City, Impowering him or them to Levy the said Tax, and upon refusall to destrain upon the Goods and Chattells of the Person or persons so refusing and Sell the Same, by publick out-cry, and pay the Money, arising by the said Sale, into the hands of the Church Wardens, first retaining to himself twelve pence in the Pound for Levying thereof, and returning the Overplus, if any there shall happen to be, to the Owner. And if any person Shall refuse to pay what he is so Assessed, and the said Constable or Constables do Destrain for the Same, all the Charges Expended by the said Constable or Constables, Shall be paid him or them, with Such further Allowance for his or their pains as the said Justices, or any of them, shall judge reasonable. And if the said Justice or Justices Shall neglect their Duty to Issue the said Warrant, or fail in any of the premises, by him or them to be

done or performed, in pursuance and Execution of this act, he or they respectively Shall fforfeit the Sum of Twenty pounds Currant money aforesd. And if the said Constable, or any of them, shall fail to doe their Duty Herein, they shall respectively fforfeit five pounds Currant Money aforesaid. And the Church Wardens, so Chosen, shall undertake the sd Office, and receive and keep a Just and true Accot of the Moneys or Goods Levyed by Virtue of this Act, & the Same Issue by order of any two of the said Justices, & the Major part of the sd Vestry men, for the use, Intent and purpose aforesaid. And the Church Wardens shall, as often as thereunto required, yeild an Accot unto the Justices and Vestrymen of all their receipts and Disbursements; And in case they Shall neglect to do the same, they Shall respectively forfeit five pounds Currant Money aforesaid for every refusall. And be it further Enacted by the authority aforesaid, That the said Church Wardens Shall, by Warrant, as aforesaid, pay unto the said Rector the Maintenance aforesaid at four equal and quarterly payments, under the penalty of ffive pounds Currant Money aforesd for every refusal, neglect or Default. And be it further Enacted by the authority aforesaid, That the fines, Penalty's and fforfeitures menconed in this act shall be one Half to the use of the poor of the said City, and the other half to him or them that Shall or will prosecute for the Same before any of her Majties Justices of the Peace for the City of New York, for the time being, who are hereby required within fforty day's after any Complaint Shall be made to him or them by any person or persons of the breach of this Act, by reason of any person or persons not Doing the Duty hereby required to be done and performed by him or them, he or they shall Sumon the said person or persons So neglecting or refusing as aforesaid, and the matter being heard before him, Shall give Judgment and grant Execution thereon against the party offending; and Shall Imediately thereupon appoint an other fitt person to do and perform what ought to have been done and performed by the sd party Offending. And if the said person so appointed as aforesaid, Shall neglect to do and perform his Duty herein, he Shall be Subject to the like penalty as if he was Duely Elected, Any former Law, usage or Custom to the Contrary hereof in any wise Notwithstanding.

[CHAPTER 135.]

[Chapter 135, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Brinley's Bradford, pp. 227, 260. Title only is printed in Baskett, p. 72. The act referred to is chapter 114.]

An Act for the better and more Speedy Recovery of the fforfeitures of Six pounds, for Persons not appearing upon Detachments and performing the Service required According to the purport of An Act of Generall Assembly of this Collony made in the first Year of her Matys Reign Entituled An Act for the better Setling the Militia of this Province &c

[Passed, June 19, 1703.]

WHEREAS by An Act of Generall Assembly of this Colony, made in the first Year of her present Matys Reign, Entituled, An Act for the better Setling the Militia of this Province, and making it more usefull, for the Security and Defence thereof, and for the Repealing of all former Acts heretofore made in this Province, Relating to the same; It is amongst other things Enacted, That when-ever it shall so happen, That Money shall be raised by Act of General Assembly of this Colony for the raising and paying of men for the Defence of the ffrontieers, the Several and respective Captains, and other officers Comanding the Companies Respectively, for the time being, shall and may, by virtue of the said Recited Act, Appoint or Detach, Such and So many, of the respective Companys as shall be required for that Service, by the Captain General or other Superior Officers, by leaving a Note in Writing at their respective Houses, or last place of abode; Signifying when and where they shall appear, Ten dayes Inclusive before the day of such appearance; And if any person or persons for whom Such Note shall be left, as aforesaid, shall not appear at the time and place appointed, and perform the Service required of him, he or they shall forfeit the Sum of Six pounds, to be recovered by the respective Captains or other Officers in the respective Courts of Comon Pleas of Such County or place where such Offence shall be Comitted, or offender shall be found, by Accon of Debt, Bill Plaint, or Informacon, in which no Protection, Essoyn, Imparlance or Wager of Law shall be allowed, w'ch forfeiture of Six pounds is to be applyed and given to the use of Such person or persons who shall be Sumoned to appear and Serve in the Room of Such Offendor makeing Default of appearance as

aforesaid. And whereas the said Course and Method of proceeding appointed by the above Recited Act for the Recovery of the said fforfeiture of Six pounds aforesaid is to tedious & Delatory to Effect the true end and Designe of the said Act, by reason the said Courts of Comon Pleas are Seldom held, and of short Continuance, so that the said fforfeitures cannot so Speedily be had and Obtained as the service and applicacon thereof requires. For help and remedy of which Mischeife and Inconvenience. Be it Enacted by his Excel the Governour & Council and Representatives of this Colony in General Assembly Convened, and by the Authority of the Same. That from and after the publicacon of this Act the said penalty or forfeiture of Six pounds in and by the said above recited Act Set and appointed as aforesaid shall not be Sued for, had or recovered in the said Courts of Comon Pleas or any of them by Accon of Debt Bill, Plaint or any Accon or Informacon whatsoever to be Comenced prosecuted or followed thereby any person or persons whatsoever. But that it shall and may be lawfull thence fforward, for the better Recovery of the penalty or fforfeiture aforesaid, for every Captain or other Officer of any Militia Troop or Company within this Colony to apprehend and take into his or their Custodys wherever they shall be found Such persons or persons of their respective Troops or Companys who being Detacht or to be Detached according to the purport of the said Recited Act shall Incur the penalty and fforfeiture thereof, and the said person or persons So apprehended and taken into Custody to have and Carry before any three Justices of the Peace (one of which to be of the Quorum) of the County Town or place where such person or persons were Inhabiting or Resideing at the time of Incurring the penalty and forfeiture aforesaid. The which Justices of the Peace shall be and are hereby Authorized and Impowered upon Conviction of the Offendor, by Confession or otherwise by warrant under their hands and Seales to order and appoint the Levying and raising of the said Penalty or fforfeiture of Six pounds aforesaid upon and out of the Proper goods and Chattles of the Offendor if he have any, and for want thereof by like warrant to Comitt the said Offendor to Goale there to remaine one whole year without Baile or mainprize unless the said fforfeiture be sooner paid.

And Be it further Enacted by the Authority aforesaid that all and every Article Clause and thing in the said before recited Act menconed and Contained touching and Concerning the Sueing for or Recovery of the said fforfeiture of Six pounds only thereby appointed is and are, in and by these presents fully Cleerely and absolutely Repealed Annulled and made void, and So declared to Stand and be, to all Intents and purposes whatsoever, as if the

Same had never been therein Incerted. Provided alwayes that the said Sum of Six pounds fforfeiture aforesaid when and as often as the Same shall be Levyed and Raised upon any of the Offendors aforesaid, their goods or Chattles, the same shall be paid and Delivered to each respective Captain or other Officers aforesaid for the use and benifit of Such person or persons who shall do Duty for and Supply the place and Stead of the Offendor or Offendors according to the Direction and appointment of the said Act any thing in this present Act being Conteined to the Contrary thereof in any wise howsoever.

Provided That this Act shall be of fforce no longer than the before recited Act.

[CHAPTER 136.]

[Chapter 136, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Brinley's Bradford, pp. 221, 254. Title only is printed in Baskett, p. 72. The act referred to is chapter 122.]

An Act to Supply the Defects of An Act of General Assembly made in the first year of her present Maties Reigne Entituled An Act for appointing and Enabling Commrs to take state and Examine the Accounts of the Revenue of this Colony and the necessary Contingent Charge of the Goverment

[Passed, June 19, 1703.]

WHEREAS in and by one Act of General Assembly of this Colony made in the first year of her Ma'tys Reign Intituled An Act for appointing and Enabling Commrs to take State and Examine the Accots of the Revenue of this Colony and the necessary Contingent Charge of the Goverment. Rip Van Dam Stephen De Lancy John Barberie Thomas Wenham and David Jamison Gentl have been and were Constituted and appointed Commrs for takeing Stateing and Examining the Accots in ye said Act menconed, and to make returne of their proceedings therein unto ye House of Representatives, the first day of this present meeting or Sessions of Generall Assembly of this Colony, The wch matters have not nor could not be so well and Effectually done and performed within the time Limitted as aforesaid, not onely in respect of the shortness of the said time but for want of Sufficient powers and Authoritys, to the said Commrs in and by the said Act to have been given, for Supply and Remedy whereof, Be it Enacted and it is hereby Enacted by his Excellency, the Governour and Council, & Representatives in General Assembly Conveened and by the Authority of the Same That the Said Rip

Van Dam, Stephen De Lancey, John Barberie Thomas Wenham and David Jamison and every of them are and shall be further Constituted, Continued and appointed Comm'rs for takeing, stateing, & Examining the Acco'ts in the said before Recited Act menconed or Intended, with all the Powers, Authoritys, Priviledges and Advantages w'tsoever to them the said Comm'rs, or any of them by the said Act given, from ye first day of this present Sessions of Generall Assembly for and dureing the time and Space of Eighteen moneths from thence to be Computed and Reckoned any thing in this or the said former Act to the Contrary thereof in any wise not wthstanding.

And for the better attaining accomplishing, and fulfilling the end and designe of this and the before recited Act, according to the true Intents and meanings thereof. Be it further Enacted that the Commrs aforesaid or any three of them from time to time dureing the Continuance of this Act, shall have power to and may by Warrant or Warrants under their hands and Seals, Send for Persons, Papers and Records and Books of Accot Such and So many of them as to them the said Commrs in their prudence and Discretion shall be thought fit and necessary to be Inspected or Examined by them touching and Concerning only the Accots aforesaid, And that in Case any person or persons resideing within the City of Newyork on whom Such warrant or warrants shall be duely Served shall not Comply therewith, and give Obedience thereto within the Space of three dayes next after the Serving thereof as also all other person and persons resideing in any other place within this Province at Such time and times as the said Commrs shall appoint having regard to the Distance of their abode without just Excuse for such their neglect and Disobedience therein to be allowed by the said Commrs or any three of them. That then and in such Case it shall and may be further Lawfull to and for the said Commrs or any three of them by like warrant or warrants under their hands & Seals to Comit such person or persons not Complying and giveing Obedience as aforesaid, to the Comon Goal of the County, Towne, or place where the said person or persons so to be Comitted shall then Inhabit or Reside, there to Continue and Reamin untill they shall Comply and give Obedience as aforesaid or otherwise answer upon Oath to Such questions or Interrogatories, as by the said Commrs or any three of them shall be put or Exhibited to them, The wch Oath, question, and Interrogatories, the said Commrs or any three of them shall be & are hereby from time to time as often as occasion requires Impowered to Administer put and Render respectively in Course & order.

[CHAPTER 137.]

[Chapter 137, of Livingston & Smith and Van Schaack, where the act only is printed. Printed in full in Brinley's Bradford, pp. 203, 236. Title only is printed in Baskett, p. 71.]

A Bill for raising ffifteen hundred pounds toward Erecting two Batteries at the Narrows, or passage between Staten and Long Island.

[Passed, June 19, 1703.]

Whereas the said passage called the narrows leading from the main Sea into the bay or harbour of the City of New York if the same were fortified and made defenceable would be a great security not only to the said City but to great part of this and the Neighbouring Colonies from the Insults of our enemies which lying open hath some time since given Incouragment to Strangers in a bold and warlike manner to enter our port and sound our Channells to the Surprize and Terror of this City; ffor the prevention of which & of greater dangers & Inconveniences w'ch may happen in time to come and towards the assisting his Excellency the Lord Cornbury her Majties Captain Generall and Governour in Cheif in and over this Colony in erecting two Batteries, and on each side of the narrows aforesaid for the Defending and fortifying the same The General Assembly pray that it may be Enacted and be it Enacted, by his Excellency the Governour with the Consent of her Matys Council and General Assembly and by the Authority of the Same; That all and every person and persons who at the time of the Execucon of this Act shall be in the Severall Ranks and Stations and Circumstances as hereinafter is menconed and Expresst shall to the purpose aforesaid Contribute and pay the Severall sume and Sums of money hereafter in this Act set down and appointed (That is to say) every Person who has the Honour to be of her Ma'tys Council for this Colony shall pay the Sum of fforty shillings, Every person Elected and Returned to Serve as a Reprsentative in Generall Assembly the Sum of Twenty shillings, every person practiceing the Law as a Councillor Attorney Proctor or Sollicitor the Sum of Twenty shillings Every person wearing a Peruwigg the Sum of five shillings and Six Pence Every Batchelour being a Freeman of the Age of five and twenty Years and upwards the Sum of three Shillings Ever Freeman of the Age of Sixteen Years and upwards the Sum of Nine pence besides what is hereinbefore Expressed. The Master or

Mistress of every Slave of the age of Sixteen years and under Sixty the Sum of one shilling for each such Slave. And Be it further Enacted by the same Authority, That for the purpose and end aforesaid, there is hereby Granted and shall be Laid, and Levyed and paid the Sum of three pence on each Gallon of Distilled Liquors, that is or shall be Distilled from any matter or thing Soever (Grain of the Growth of the Colony only Excepted) during the space and Term of one whole year from the Publicacon of this Act. And be it further Enacted and Ordained by the Authority Aforesaid, That for the better ordering, Levying, Collecting and paying, the Sums of Money hereinbefore menconed and appointed, The Severall Collectors for the time being within the Several Citys, Towns, Wards and Precincts within this Colony, of the publick and necessary Charge, within the Space of fforty Days after the Publicacon hereof, shall take & make an Exact, true And perfect List and Roll of all Such Free-men, and also of all Such Slaves as at the Publicacon hereof shall be Dwelling or Residing within their respective Towns, Wards and Precincts within this Colony, and a true Coppy of such Lists and Rolls shall be Delivered to the Clerk of each Respective City and County within this Colony, and shall Demand and Receive of each the Several person or persons Chargeable by this Act, the Several and respective Sum and Sums of mony Limitted and appointed by the Same; and the said Sums of money so being reced, shall on or before the twenty Nineth day of September next, pay the Same unto the Commissioners appointed to execute the office of Collector and Receiver General of this province, or to the Collector and Receiver General of this province, for the time being; And if any person or persons shall refuse to pay the Several Sum and Sums and proporcons appointed by this Act for such person or persons to pay, upon Demand made by the Collector of the Place where Such person or persons Shall Dwell, Inhabit or Reside, it shall & may be Lawfull to and for Such Collector, for non-payment thereof, to Distrein the person or persons so refusing by his or their Goods and Chattles, and the Distress so taken to keep by the Space of four dayes, at the Costs and Charges of the owner thereof; and if the Said owner do not pay the said Sum or sums of money so distrained for within the said four days, then the said Distress to be publickly Sold by the said Collector, for the payment of the said money, and the overplus coming by the said Sale (if any be) over and above the Charge of taking and keeping the said Distresse, to be Immediately restored to the owner thereof.

And be it further Enacted by the Authority aforesaid, That every house-holder, being Master or Mistress of a ffamily, shall

within two dayes after Demand made by any Collector of that place or precinct wherein such Householder being Master or Mistress shall Dwell, Deliver to the said Collector a true and perfect List of all Persons who are ffreemen above the Age of Sixteen Yeares, that shall be Inhabiting or residing in their Respective ffamilys, as also of all Slaves above the Age of Sixteen years, and under Sixty, he or she shall be owner of, or in his or her Service, Keeping or possession, and if any Such Master or Mistress shall make Default of Such Delivery, being thereof Convicted before any one of her Ma'tys Justices of the Peace (who are hereby Impowered and Authorized to hear, Examine and Determine the same) he or she shall forfeit the Sum of Twenty shillings; and for every person Omitted out of Such List, as aforesaid, Ten shillings, the one Moiety of Such forfeitures to be to the Informer, and the other half towards erecting the Batteries aforesaid; which forfeitures shall be Levyed by Distress and Sale of the Offendors Goods, Rendring the Overplus to the owner.

And for the Better Levying and Receiving of the said Duty of three pence per Gallon on all Distilled Liquors, as aforesaid, Be it Enacted by the Authority aforesaid, That all Distillers of Strong Liquors within this Colony shall weekely make true Entry wth the Collector of that Town, Ward or Precinct, in or under which they Live, of all strong Liquors Distilled or made fit for sale in that week respectively, and pay and Cleare the Duty and Excise thereof forthwith, upon pain of forfeiture of Twenty pounds for every week they or any of them shall neglect to make such Entry, or pay the Duty & Excise hereby Granted and appointed, to be Levyed by distress and sale of the Offendors Goods and Chattels, rendring the overplus to the owner, The Charge of the Distress and Sale first being Deducted, which said forfeiture shall be disposed and applyed also towards the erecting the Batteries aforesaid.

And be it Enacted by the Authority aforesaid, That if any Dispute or Controversy shall arise between any of the Collectors and the respective person or persons Chargeable with any Sum or Sums of money by this Act, Concerning the Age of any person or persons, ffreemen or Slave, the same shall be Ascertained & Decided by the next Justice of the Peace where such person or persons shall Dwell or reside, who is hereby Authorized to Determine the same, and whose award therein is hereby Enacted to be valid in that behalf.

And whereas the abuse & misapplicacon of the publick moneys from time to time heretofore Raised and Levyed for the Comon Benefit and necessary Support and Defence of this Colony, is too Notoriously known and felt, Be it further Enacted by the

authority aforesaid, That the Commissioners for executing the office of Collector and Receiver General of this province or the Collector and Receiver General thereof, for the time being, to whom the moneys to be raised by this act are before appointed to be pay'd by the several Collectors and Receivers of the same, shall keep a distinct and seperate account of their Receipts and payments of the said moneyes from all other moneyes whatsoever, and the same Exhibit to the General Assembly for the time being, when thereunto Required.

And be it hereby further Enacted That the Collector of each respective ward, Town, Mannor and Precinct shall be allowed to take and receive to himself Nine pence for each Pound he or they shall so Collect and pay, as aforesaid. And that the said Treasurer shall retain and have Twelve pence for every pound for what moneys he shall receive and pay as aforesaid.

And be it further Enacted by the Authority aforesaid, That if any person or persons, who shall be Chose Collectors in manner aforesaid, shall neglect, deny or refuse to collect or pay in any sum or Sums of money in form before menconed, That then and in Such Case, it shall and may be Lawfull for any two of her Ma'tys Justices of the Peace of the Citys, Countys, Towns & mannors where such offendors shall happen to Dwell or reside, (who by vertue of this Act are required and Impowered to do the Same,) to Comit Such Collectors So denying, neglecting or refusing to Collect, Receive and pay, as aforesaid, to the Comon Goal, there to remain without Bail or Mainprize till he or they shall make ffine or Ransom to her Ma'ty for Such Contempt, as aforesaid.

And be it further Enacted by the Authority aforesaid, That what person or persons soever shall lend any Sum or Sums of Money, not Exceeding the Sum of ffive hundred pounds, upon Credit of this Act, for the ends and purposes therein menconed, and shall pay the Same unto the Commissioners for executing the office of Collector and Receiver Generall, or the Collector and Receiver General of this Colony, for the time being, shall have and Receive back the Sum & Sums of money So by them advanced, So Soon as the Same can be Collected, with Allowance after the Rate of Ten per Cent pr Ann untill they shall be reimbursed the moneys lent or alvanced as aforesaid

Provided always, That it is the true Intent and meaning of this Act, that no Article or Clause herein Contained shall be Construed to Extend to any Military officer or Souldier in her Ma'tys Immediate pay.

Provided also, That if any of the Distilled Liquors, Chargeable in this Act, and which shall have paid the Duties aforesaid, shall

at any time before the end and expiration of this act, be Exported out of this Colony, the person or persons so Exporting the Same, shall receive from the said Commissioners for managing the office of Collector and Receiver Generall of this province, or the Collector and Receiver General of this province for the time being, the Sum of One Penny half penny p Gallon for each Gallon so Exported, upon Proof made upon Oath that the said Distilled Liquors are the Same wch have paid the Duty aforesaid, and that such Liquors have been Landed in some other Plantacon Territory or Colony, which Oath the said Commissioners for managing the office of Collector and Receiver General of this province, or the Collector and Receiver Generall for the time being, is hereby required and Authorized to Administer.

[CHAPTER 138.]

[Chapter 138, of Livingston & Smith and Van Schaack, where the act is printed in full. Printed in full in Brinley's Bradford, pp. 218, 251; Baskett, p. 63. The act was confirmed by the Queen, May 20, 1708. (See Fowler's Bradford, p. CXXXVIII.)]

An Act to Assertain the Assize of Casks, Weights, Measures and Bricks within this Colony.

[Passed, June 19, 1703.]

WHEREAS nothing is more agreeable to Comon Justice and Equity, nor for the good and benefit of any People or Goverment, who live in Community and friendship together, Than that they have one Equal and Just Weight and Ballance, one true & perfect Standard and Assize of Measure among them, for want whereof, Experience shows that many frauds and Deceits happen, wch Usually fall heavy upon the meanest and most Indigent Sort of People, who are least able to bear the Same, and may be accompted little better than oppression, ffor Remedy of which Evil, Be it Enacted, And it is hereby Enacted by his Excellency the Governour, by and with the Advice and Consent of her Mt'tys Council & Representatives of this Colony, in General Assembly Convened, And by the Authority of the same, That from & after the first day of August next, no Cooper or other person or persons whatsoever within this City or Colony, shall make any dry Cask or Vessell but of good and well Seasoned Timber and of the respective Dimensions following (that is to Say) Every Hogshead to be forty Inches long thirty three Inches in the Bulge, and Twenty Seven Inches in the head. Every Tierce to be thirty Six Inches long, Twenty Seven Inches in the Bulge and twenty three Inches in the head. Every Barrel to be thirty

Inches Long, twenty Six Inches in the Bulge, and twenty two Inches in the head. Every half Barrel to be Twenty five Inches Long. Twenty Inches in the Bulge and Sixteen Inches in the head. Every Quarter Barrel to be twenty Inches Long, Sixteen Inches in the Bulge, and thirteen Inches in the head. All Tite Barrels to Contain thirty one Gallons and a half of Wine Measure each, and not to exceed or be half a Gallon over or under the same, and all other Cask to Contain in proporcon to a Barrel, upon the penalty of five shillings for every offence Comitted to the Contrary hereof, to be paid by the maker or user of Such Casks or Vessels in whose hands the said Offence shall first happen to be known or discovered.

And for the prevention of other frauds and deceipts that may be in Casks made aforesaid, according to the respective Dimensions aforesaid, Be it further Enacted by the Authority aforesaid, That from & after the said first day of August, all and every the Cask & Casks wch shall be Imployed or used for the Stowing or packing of fflower or Bisket within this City or Province for the transportation thereof, or otherwise in any way of Merchandize before any the said Goods or Comodities shall be put or packt therein, shall be truely weighed and the Just weight and Tare thereof be Set with a Marking Iron upon the head of each Cask so Imployed, as aforesaid, together with the name of each respective person using or Imploying the same, upon the penalty of Nine pence to be paid for every neglect herein by the person or persons respectively on whose Accot any of the Goods or Commodities aforesaid shall to the Contrary hereof be stowed or packed, as aforesaid. And be it further Enacted by the Authority aforesaid, That from and after the first day of August aforesaid, there shall be one Just Beam or Ballance, one Certain Weight and Measure, & one yard, that is to say, Averdupoise and Troy weights; Bushells, half Bushell; pecks & half pecks according to the Standard of her Ma'tys Exchequer in her Realm of England, thro'out all this Colony, as well in places priviledged as without, any usage or Custom to the Contrary notwithstanding, And that every Measure of Corn shall be Striked without heap, & whosoever shall Sell, buy or keep any other Beam, Weight, Measure or yard than as aforesaid, whereby any Corn, Grain or other thing is bought or Sold, from & after ye time Limitted, as aforesaid, shall forfeit for every such offence Twenty shillings.

And that for the better Observance, & putting in Execucon of this Act, fit persons be appointed in all Counties and Cityes within this Colony for the Sealing & marking all Beams, Weights, measures and yards to be used within the respective Counties

& Cities aforesaid, with the Letter A, according to the Standard of her Matys Exchequer in England, that the Same may be known thro'out this Colony; & that his Excel the Governour aforesaid be desired to nominate & appoint Such fit persons in all proper places within this Colony aforesaid, the which respective persons when Nominated and appointed shall take for their pains in Sealing & marking all Such Beams, Weights, Measures and yards as shall from time, to time for that purpose be brought into them the rate of Nine pence, Except Weights and Small Liquid Measures w'ch Shall pay onely one peny each & no more on penalty of five shillings for the least Exaction therein, Saveing alwayes nevertheless unto the Cities of Newyork Albany & Burrow of WestChester and the Mayors thereof for the time being all Such Rights privileges & usages as they Respectively can Justly claime as Clerks of the Market within the said Cities and Burrows or otherwise howsoever any thing herein Contained to the Contrary thereof notwithstanding.

Be it also further Enacted by the Authority aforesaid that from and after the first day of August aforesaid no person or persons be he Master or Servant, shall make or Suffer to be made in any place or places within this Colony any Bricks or Kilne of Bricks but Such as shall be well and throughly Burnt, & of the Size and Dimensions following (that is to Say) Every Brick to be and Contain Nine Inches in Length, four Inches & one quarter of an Inch in breadth and two Inches and one half Inch in the thickness thereof all well Struck off in good & workmanlike order and manner, & made of well & Right tempered Mould or Clay on the penalty of Six shillings for every neglect herein to be paid by the Master or owner of the said Bricks or Kilne in whose hands or wheresoever the neglect or offence aforesaid shall be discovered or found out, Except Well Bricks.

And it is hereby also further Enacted that from and after the time Limitted as aforesaid, no other Casks, Beams, Weights, Measures, Yards or Bricks shall be used within this Colony than Such as aforesaid Except Well Bricks and Such other Bricks as are already made or to be made before the Commencement of this Act on the penalty of Twenty shillings to be paid by the person or persons, useing the Same, or any of them.

PROVIDED alwayes that all and every the penalties and forfeitures in and by this Act set & appointed as aforesaid shall be one halfe to the use of the poor of the Parish Towne, or place, where the Default or offence happens to be, the other Moiety thereof to the use of any person or persons who shall Inform & Sue for the same forfeitures in any of her Ma'tys Courts of Record within this Colony or else to be recovered to the uses

aforesaid upon Conviction of the offendor by the Oath of one Sufficient Witness before any Justice of Peace, Mayor, or other head Officer of the City, County, Towne or place Respectiveiy where the Offence against or Breach of this Act shall be Comitted (who by vertue of this Act shall have power to Administer An Oath in that behalf) by Way of Distress and Sale of the Offendors goods and Chattles, the over-plus, if any be, after Charges of the Distress Deducted, to be returned to the owner thereof, and where no Distress can be had, That it shall & may be Lawful to & for any Justice of Peace, Mayor, or head Officer aforesaid, to Comit the said Offendor or Offendors to Prison or Goal, there to remain without Bail or Mainprize untill he or they shall pay the penaltyes & forfeitures aforesaid, for w'ch they shall be so Committed, to the uses aforesaid.

Provided also, That no Prosecucon shall be for any of ye forfeitures aforesaid but w'thin three Months after ye Respective facts or offences Committed, any thing herein to ye Contrary hereof notwithstanding.

[CHAPTER 139.]

[Chapter 139, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Brinley's Bradford, pp. 206, 239. Title only is printed in Baskett, p. 71. The act referred to is chapter 86, (See chapter 143.)]

An Act to Oblige persons to pay their Arrears of One thousand Pounds Tax Granted by Act of General Assembly of this Province, in the Twelfth year of the Reign of our late Soveraign King William the third for building a Fort at Onondaga for the Security of the five Nations of Indians.

[Passed, June 19, 1703.]

WHEREAS in and by one Act of General Assembly of this Province made in the Twelfth year of our late Soveraign Lord King William the third for ever blessed Memory Intituled An Act for Repealing An Act of Assembly entitled An Act for the better Securing the five Nations of Indians in their fidelity to his Ma'ty and for granting to his Ma'ty the Sum of One thousand pounds for building a Fort for the security of the five Nations of Indians, Certaine Rates and Duties then Chargeable on Divers goods, Wares, and Merchandizes, as well, Imported into, as Exported out of this Province, over & above all other Duties, Charges, Impositions, Rates & Customs, by any former Act and Acts, Set and Imposed, for the raiseing the One thousand pounds aforesaid were taken off & Discharged as being then thought

Inconvenient to the trade of this Province and lessening of his Ma'tys other Revenue therein. And a further Sum of One thousand pounds Currant moneys of this Colony more than what had been then raised & Collected from ye Rates and Duties aforesaid was laid and Imposed upon all & every the Freeholders, Inhabitants, Residents, and Sojourners of & in this Province for the building ffinishing & compleating the ffort aforesaid then designed to be built att Onondaga for the Security of the five Nations of Indians aforesaid. And whereas, the said before recited Act of Generall Assembly aforesaid, for the Raising the last menconed Sum of One thousand pounds for the building the said Fort at Onondages aforesaid hath not been so Effectually put in Execucon, nor the moneys to be raised thereby So well & Carefully Collected as the Same ought to have been Some places & persons having paid their wholl proporcon thereof, others none at all, whereby Great Arrears of the said one thousand pounds Tax are still standing out & uncollected for the Speedy and Certain Gathering & Collecting whereof; that none may have reason to Complain of hardships, Inequallity or Partiallity therein. Bee it Enacted, And it is hereby Enacted accordingly By his Excel the Gov'r by and with the Consent of her Ma'tys Council & Generall Assembly of this Colony & by the Authority of the same. That within the time & Space of two months after ye publicacon of this Act the respective Mayors, Recorders, & Aldermen of the respective Cityes and the respective Justices of the Peace for each respective County within this Colony, or such & so many of them respectively as shall not be let or hindred therein by some other Exterordinary business & Occasion, shall meet together at some Convenient place or places, by them to be respectively agreed on, within their respective Cities & Countys aforesaid, & there from time to time as they shall find it requisite and necessary, to Review & Examine, all the Books & Rolls of the said One thousand pounds Tax last appointed to be raised for ye building a ffort at Onondaga aforesaid, and the Severall Rates & Assessments thereof, according to the Severall and respective Quotas thereof, of each respective City, County, Towne and place in the said before recited Act of Generall Assembly of this Colony menconed in order to See and find out what Sum & Sums of money were and have been Charged upon particular persons & Estates within this Colony by Vertue and Authority of the said Act, & who have paid their respective Rates and Proportions of the said Tax, & who have not paid the Same. For the better Effecting and finding out whereof the Severall & respective Mayors, Recorders, and Aldermen, and the Severall & respective Justices of the Peace aforesaid or any two

of them, within their respective Jurisdiccons aforesaid are hereby Impowered by Warrants under their hands and Seals to send for and Command to be laid before them all books of Assessment, Tax, Rolls, Rates, and Assessments, whatsoever (and in whose hands Custody or keeping whatsoever the same now are or shall be.) relating to or in any manner or wise Concerning the said last menconed Sum of one thousand pounds appointed for the building of the said ffort at Onondages aforesaid, And also to Send for & Command before them respectively by Warrant as aforesaid, all & every the Collector & Collectors of the said Tax or any part or parts thereof w'ch shall be now liveing, or any other person or persons by their Discretions that can give Informations or make discovery in the premises whereby the said Mayors, Recorders, and Aldermen and the said Justices of the Peace within their respective Cities, Counties and Jurisdictions aforesaid, may be enabled to make true and perfect Books, Rolls, or Lists of Accots separate from one another, of what moneys have been paid & received, & what are still standing out & in Arrears of the said Tax, the which Books, Rolls, or Lists, the said Respective Mayors, Recorders, and Aldermen & the respective Justices of the Peace aforesaid are hereby required to make & perfect on or before the last day of October now next following, & in one of the Books, Rolls or Lists of accot aforesaid to Set down Distinctly, the Christian & Sirname of every person that shall be found to have paid their Rates and proporcons of the Tax aforesaid, how much their said Rates & porportions were, in what Division or District such persons Respectively lived at the time of their payment thereof, and to what Collector they paid the same, with the time when the Same was paid as near as may be. And in the other of the said Books, Rolls or Lists of Accot to Incert likewise the Christian & Sirname of every person and persons Chargeable with the said Tax, that shall not be found to have paid their Rates & proportions of the said Tax, but are Still in Arrears thereof & Indebted for ye Same, what and how much money each particular person is in Arrears and stands Indebted as aforesaid, in what Division or District the said Arrears are due and payable whether ye person or persons oweing the Same are liveing or Dead if liveing the place and places of their respective aboads. The which Books, Rolls, or Lists of Accompt being made in parts as aforesaid the said respective Mayors, Recorders, & Aldermen, & Respective Justices of the Peace aforesaid respectively within one month after making and perfecting thereof, shall Cause Exact and true Duplicates of each part of the said Books, Rolls, or Lists of Accot aforesaid, to be fairely writ & Transcribed and send the Same to the respective Town Clerks,

of each respective City, and the respective Clerks of the Peace of each respective County aforesaid, and also to the Commrs for executing the office of Collector and Receiver General of this Colony or to the Collector & Receiver General for the time being by them to be respectively kept, filed or Entred on Record. And be it further Enacted by the Authority aforesaid that the said Town Clerks and Clerks of the Peace aforesaid, within one month after the said Duplicates shall be in their hands, shall respectively make out other Books or Rolls for the said Citys or Countys aforesaid, and for the Severall Wards and Precincts within the said Citys and the Severall Towns, places, Divisions and Districts within the said Countys, of all Such Arrears of the last one thousand pounds Tax aforesaid as shall be found to be behind and unpaid in any the Citys, Countys, Towns, or places aforesaid, with the Christian & Surnames of every person & persons oweing the Same & Set the particular Sum & Sums due by each respective person in a right Line with the name of the said person, fit for the Collector & Collectors of every the respective wards Precincts, Towns, Divisions Districts, and places within the respective Citys and Countys aforesaid to Collect & Gather the Same by, The wch Books & Rolls So to be made out by the respective Town Clerks, & Clerks of the Peace aforesaid, when made out and prepared shall be viewed and Examined by the Respective Mayors, Recorders and Aldermen of the said Citys, and by the respective Justices of the Peace for the said Counties respectively, and if the same be approved, then the said Books and Rolls So made out and prepared by the said Town Clerks and Clerks of the Peace aforesaid, shall be signed by the respective Mayors, Recorders, Aldermen and Justices of the Peace of each respective City, County, Town and place aforesaid or any two of them respectively, under their proper hands and by Warrant under the hands and Seals of the said respective Mayors Recorders, Aldermen and Justices of the peace So Signing the Same, or any others within the respective Citys and Countys aforesaid shall be sent to the Comm'rs for Mannageing the office of Collector and Receiver Generall of this Colony, or to the Collector and Receiver General of this Colony for the time being, as also to, all and every the Collector and Collectors lately Chosen Elected or appointed to gather & Collect the said One thousand pounds Tax or in Case of Death or removall of such Collector or Collectors from their Respective Precincts or Districts, or to all and every the Collector & Collectors for the time being of each respective City, ward, Precinct, County, Town, Mannor, Division, District and place as well Priviledged or not, within the Colony aforesaid, the which Collector &

Collectors Severally and respectively are hereby Authorized & required to Collect and receive the respective Arrears of the said One thousand pounds Tax aforesaid so to be sent them as aforesaid, and to pay the Same to the Comm'rs for Executing the Office of Collector and Receiver General of this Colony or to the Collector or Receiver General thereof for the time being at Newyork aforesaid on or before the first day of March next.

And whereas, Since the makeing of the said recited Act of Assembly, it hath not been thought Convenient to Erect the said Fort at Onondaga & his Excellency the Gove'rn haveing made Some progress in the Erecting & building a Fort or Fortificacon at the City of Albany the former Fortifications being wholly out of Repair and useless. Therefore for the better Enabling his said Excellency to Carry on the said ffortificacons. Be it Enacted by his Excellency the Governour by and with the Consent of her Ma'tys Council & General Assembly. And it is hereby Enacted by the Authority of the Same That the Arrears of the said Sum of One thousand pounds appointed to be raised for the building the said ffort at Onondaga as also what hath been Already raised for that purpose by Virtue of the Act aforesaid shallbe applyed and used towards the carrying on the said ffortificacons at the said City of Albany the said Recited Act or any thing therein Conteined to the Contrary thereof in any wise notwithstanding.

And be it further Enacted by the Authority aforesaid, That the Justices of the Peace, Assessors, and Collectors for the time being of all and every the respective Citys, Counties, Towns, Mannors, Liberties, and Jurisdiccons within this Colony are hereby required Impowered and Authorized to do perform and Execute all Such matters and things as are hereinbefore menconed to be done performed and Executed by him or them Respectively for the Collecting, Receiving, and paying the Arrears of the said Sum of one thousand pounds appointed to be raised in and by the said Recited Act, according to such manner, Rule and Direction as is hereinbefore menconed and Expressed and under such pains and penaltys as are Conteined, Injoined, and Directed in and by One Act of General Assembly made in the first year of the Reign of her present Ma'ty Entituled 'An Act for granting unto her Ma'ty the Sum of two thousand pounds to be applyed (with her Ma'tys good pleasure) to the uses in that 'Act menconed, in as full & ample manner for the due Execucon of this Act, as if the Same were particularly & at Large Recited & set down in the Body of this Act, any thing Conteined therein to the Contrary thereof in any wise notwithstanding.

THE NINTH ASSEMBLY.

Third Session.

(Begun Oct. 14, 1703, 2 Anne, Edward, Lord Cornbury, Governor.

[CHAPTER 140.]

[Chapter 140, of Livingston & Smith and Van Schaack, where the title only is printed. The act is not printed in any edition of Bradford or in Baskett.]

An Act for Levying and Collecting the Sum of Thirteen hundred pounds for maintaining one hundred ffuzileers with their proper officers and Thirty men with their proper officers to be Imployed as Scouts for the Defence of the Fronteers.

[Passed, October 23, 1703.]

That his Excellency may be the better Enabled to Secure the Fronteers the Winter Ensueing.

Be it Enacted by his Excel the Gov'r by and with the Consent and Advice of her Ma'tys Council and General Assembly and by the authority of the Same, That the Sum of Thirteen hundred pounds Currant Money of New York be Laid, Assessed, raised & Levyed upon all and every the Inhabitants, Residents, Sojourners and ffree-holders of and in this Colony, for the raising, paying, maintaining Transporting, Quartering, Returning to their respective Habitacons, and other Incidentall Charges of One hundred ffuzileers, with their proper Officers, for one hundred and fifty days, and Thirty Men, with their proper Officers to be Imployed as Scouts Sixty two days: The ffuzileers to be posted on the fronteers at or near Albany, from the first day of November next ensuing, untill the last day of March next following, and no Longer; and the Scouts to be raised and Posted at such Place or Places as his Excellency shall Seem meet; which said Sum of Thirteen hundred pounds, as aforesaid, shall be raised and paid according to the severall Respective Quotas & proporcons hereafter menconed unto her Ma'tys Receiver General of this Province, for the time being, at the City of New York, at or before the Twenty fifth day of March next ensuing, according to the Rates and proporcons following, that is to say. For the City and County of New York two hundred Eighty three pounds and six shillings. For Kings County, One hundred Eighty Seven pounds and tenn shillings. For Queens County, two hundred Eighteen pounds and Nineteen shillings. For the County of

Suffolk Two hundred Eighteen pounds and Nineteen shillings. For the County of Richmond, Sixty one pounds and Twelve shillings. For the County of West Chester Ninety one pounds and foureteen shillings. For the City and County of Albany Ninety pounds and Six shillings. For the County of Ulster One hundred and four pounds and thirteen shillings. For the County of Orange Thirty pounds and fifteen shillings. For Dutchess County, Twelve pounds and Six shillings. And be it further Enacted by the Authority aforesaid, That for the better Assessing, Raising and Collecting the Sum of Thirteen hundred pounds, aforesaid, the Mayor and Aldermen of the Cityes of Newyork and Albany, the Justices of the Peace, the Assessors and Collectors, for ye time being of all and every the respective Cities, Counties, Towns, Mannors or Liberties within this Colony, are hereby required, Impowered and authorized to summons, Assess, Collect and pay the Severall Sums of Money herein before menconed, according to the proporcons before Expressed, in such ways and meanes, and according to Such Manner, Rule and Direcon, and under such pains and penalties, as is Contained, Injoyed, menconed and Expressed in an Act of General Assembly Entituled, An Act for the Levying and Collecting the Sum of Eighteen hundred pounds, for ye raising, paying & maintaining one hundred and ffifty ffuzileers, with their proper Officers, for five Months, and thirty men, with their proper officers, to be Imployed as Scouts Sixty two days, for ye Defence of the fronteers, made in the first year of her Ma'tys Reign; and all and every the Articles, Clause Rule, pains And Penalties menconed in the aforesaid Act, shall be, abide and remain in full force and Effect to all Intents Construccons and purposes, in as full, and ample a manner for the Due Execucon of this Act, untill the said Sum of Thirteen hundred pounds be duly, fully and Compleately Assessed, Collected, and paid, as hereinbefore directed, as fully and in like manner as if the Same were particularly and at Large Recited and Set down in the Body of this Act, any thing Contained herein to the Contrary hereof in any wise notwithstanding.

And be it further Enacted by the Authority aforesaid, That the Severall and respective Cities, Townships, Mannors, peculiar Jurisdictions and Precincts within this Colony, Shall Assess, Levy, pay and Sattisfy to their Collectors respectively the Sum of nine pence for each pound, by Such Collector, to be Collected and paid in, in manner before Exprest over and above the Severall Sums hereinbefore menconed, to be raised, Levyed and paid in for the Service and uses before in this Act set forth and Assigned.

And be it further Enacted by the Authority aforesaid, That any person or persons whatsoever, who shall advance any Sum or Sums of Money, not Exceeding the Sum of Five hundred pounds, upon the Credit of this Act, for the ends & purposes hereinbefore menconed for the time and Space of Six months, & Shall pay the Same unto the Receiver General, for the time being, shall receive back the same, with allowance after the Rate of Tenn pounds, p'r Cent p'r Annum.

Provided alwayes, That no Mayor, Alderman or Justice of ye Peace Shall be troubled, sued, prosecuted, or molested for any Omission, Offence or Neglect by Virtue of this Act, but within ye space of one year after such Omission Offence or Neglect & not at any time there after, any thing herein Contained to the contrary thereof in any wise notwithstanding.

[CHAPTER 141.]

[Chapter 141, of Livingston & Smith and Van Schaack, where the act is printed in full. Printed in full in Brinley's Bradford, pp. 229, 262. Title only is printed in Baskett, p. 75. Confirmed by the Queen, May 20, 1708. (See Fowler's Bradford, p. CXXXIX.) See chapters 134, 146.]

AN ACT Granting Sundry Priviledges and Powers to the Rector and Inhabitants of the City of Newyork of the Communion of the Church of England as by Law Established

[Passed, June 27, 1704.]

WHEREAS the Inhabitants of the City of Newyork of the Communion of the Church of England as by Law Established for some Yeares past by Voluntary Contribucon of themselves & others favouring the Churches Interest have Erected a Church within the said City for the Service and Worship of Almighty God, called & Known by the name of Trinity Church & have purchased & procured & do quietly and peaceable hold use Exercise and enjoy the said Church with the Cemitry or Burying place and a certaine Tract of Land belonging thereunto Bounded Easterly upon the Street Commonly called the Broadway Conteining in breadth on the West side of said Street three hundred and Ten foot or thereabout, from the NorthEast Corner of the Ground Comonly called the Queens Garden to the Land of John Hutchins Esqr thence by a Straight Line along the North side of the said Burying place Continued to low water Marke of Hudsons River; thence by a Line Southward along the said River, Three hundred Ninety & five foot all English Measure; & from thence by the Line of the said Garden, Easterly to the place where it begun. Together with Sundry Powers, Rights,

Priviledges, & Preheminencies necessary for the mannaging the affairs of the said Church wch by the blessing of God has been attended with great Success & the Congregation thereof being much encreased, calls for Suitable Encouragement. To the end therefore that Such Religious worke may be founded upon some lasting foundation, grow up & become fruitfull to the Praise & Glory of God, the Good Example of others & the benefit of their Posterity and Successors. Be it Enacted by his Excellency Edward Viscount Cornbury Captain General & Govr in Chief of ye Colony of New York by & with the Consent of her Ma'tys Council & this General Assembly & by Authority of the same that from hence forward forever hereafter ye Rector & Inhabitants of ye said City of New York in Communion of the Church of England as by Law Established & their Successors be and shall be able and Capable in the Law for the maintenance & recovery of their Estates, rights & Priviledges whatsoever, to Sue & be Sued, Plead & be Impleaded, to Answer and be Answered unto, Defend and be Defended by the said Name of the Rector and Inhabitants of the City of New York in Communion of the Church of England as by Law Established, in all Suits Quarrells, Controversies, Causes, Actions, matters & things whatsoever, in any Court or Courts of Comon Law, or Equity whatsoever. And that by the same name they & their Successours doe & shall Lawfully have, hold, use, Exercise & enjoy all & Singuler their said Church, Burying Place & Land thereunto belonging with the Hereditaments & Appurtenances heretofore by them & their Predecessours by whatsoever name or names the Same were purchased and had, or to them given and Granted, and by them or any of them used and Enjoyed, for the uses aforesaid, to them and their Successours to the Sole and onely proper use, and benefit of the said Rector and Inhabitants and their Successours forever, in as firm and Ample manner in the Law, as if the said Rector & Inhabitants had been Legally Incorporated and made Capable in the Law to take Receive, Purchase have hold use and Enjoy the same at & before the Purchasing Taking Receiving and holding of the said Church, Cemetry and Land thereunto belonging and Lawfully had, held and Enjoyed the same, any Law, usage, or Custome to the Contrary thereof in any wise notwithstanding. And be it further Enacted by the Authority aforesaid, That the said Rector and Inhabitants & their Successours by the same name from henceforward for ever have & shall have full, power, good, right & Lawfull Authority, to have take, Receive, acquire and Purchase & use & Enjoy Lands, Tenements & Hereditaments, Goods & Chattles, and to Demise Lease and Improve the said

Lands Tenements & Hereditaments & to use & Improve Such Goods & Chattles to the benefit of the said Church & other Pious uses not Exceeding five hundred Pounds Yearly Rent or Income, any Law, usage or Custome to the Contrary hereof in any wayes notwithstanding. And it shall and may be Lawfull for the said Rector & Inhabitants & their Successors to finish & Adorn the said Church, Alter, Enlarge and Amend the same or any part, as also to Erect & Build a Convient Dwelling House, Garden and Appurtenances for the use of their Rector for the time being, a Vestrey Roome, Charnell House; and other necessarys of the said Church & to Enclose Support and Maintein the same from time to time as there shall be need thereof. And be it further Enacted by the Authority aforesaid that the said Church & premisses be from henceforward for ever Set apart and Seperated for the Religious uses aforesaid. And that the Patronage & Advowson of the said Church and Right of Presentation After the Death of the Present Rector, or upon next Avoidance and for ever there after shall belong & appertain to the Church Wardens and Vestry men of the said Church, Annually Elected, or to be Elected by the Inhabitants aforesaid in Communion as aforesaid, in manner hereafter menconed and Exprest or to the Major part of the said Church Wardens & Vestry men for the time being, whereof one Church Warden alwayes to be one, which Rectors shall be Instituted and Induced into the said Church in Such manner & ways as shall be most Suitable & agreeable to her Ma'tys Instructions to his Excellency the Governr of this Colony for the time being, & that Canonicall Right & Authority which the Right Reverend ffather in God Henry Lord Bishop of London & his Successors hath & shall have over the said Church. And be it further Enacted by the Authority aforesaid That the Succeeding Rector or Incumbent of the said Church next after the Death or other avoidance of Mr. William Vesey present Rector & his Successors for ever, be and shall be Instituted, Authorized & Impowered, to have & receive and shall have & receive the Sum of one hundred pounds Yearly, Raised and Levyed upon the Inhabitants of the said City for the maintainance of a good Sufficient Prostestant Minister in ye City aforesaid by Virtue of An Act of General Assembly of this Colony made & Enacted in the fifth Year of the Reign of King William & Queen Mary Entituled, An Act for Setling a Ministry & raising a Maintainance for them in the City of New York County of Richmond, West Chester, & Queens County any Law usage, or Custome to the Contrary thereof in any ways notwthstanding.

And be it further Enacted by the Authority aforesaid, That it shall and may be Lawfull for the said Rector & Inhabitants in Comunion as aforesaid, & their Successors for ever hereafter, to have & use a Comon Seal & the Same to Alter, break, & new make at their Discretion. And be it further Enacted by the Authority aforesaid, That it shall & may be Lawfull for ye Inhabitants aforesaid to Assemble & meet together on Tuesday in Easterweek Annually at ye said Church to Chuse two Church Wardens and Twenty Vestrymen Communicants of the said Church to Serve and Officiate for ye next ensueing Year by the Majority of the Voices of the said Communicants so met & not otherwise, which said Churchwardens so chosen and hereafter to be Chosen Annually have & shall have like Power & Authority to do Execute & perform their said Offices respectively as Church Wardens and Vestry men in England have unless some particular Difference may happen by the Express power & Direction of this present Act of General Assembly. And it shall & may be Lawfull for the said Church Wardens or one of them at any time or times & so often as it shalbe needfull to call a meeting of the Vestrymen of ye said Church to meet the Rector for the time being if any there be and Church Wardens or one of them, which said Rector Church Wardens or one of them & Majority of the Vestreymen for the time being have and shall have power to make such rules & orders for the Mannaging the affairs of the said Church, as they or ye said Rector & one Church Warden with ye Majr number of Vestrymen so from time to time met & Assembled shall agree upon, which said Majority of Vestrymen together with ye Rector & one Church Warden at least, shall have ye sole Disposition and ordering of all payments of ye Churches moneys, all which rules orders and payments shall be fairly entred and kept in Books for that purpose: Provided nevertheless in Case of the Death of the said Rector and before the said Church be supplyed with another, that the same Powers & Authoritys, relating to the makeing of Rules and Orders, as also the Disposition and payment of the Churches money, be fully Invested in the Church Wardens for the time being, by & with the Advice & Consent of a Majr Number of the wholl Vestrymen, and not otherwise, to be entred & kept in manner aforesaid any thing herein Conteined to the Contrary thereof in any ways notwithstanding. And it shall and may be Lawfull for the said Church Wardens & Vestrymen or Major part of them whereof one Church Warden always to be one without their Rector to Establish & regulate all ffees & perquisites of their Rector Clark, Sexton and other officers of said Church, provided none of ye ffees or perquis-

ites shall Exceed the ffees & perquisites usually taken in England by such Officers respectively with regard to the Difference of the value of money in this Colony as also for the said Church Wardens and Vestreymen or major part of them with their said Rector, to regulate and order the perquisites of the Church, growing and coming by the breaking of the Ground in the Cemitry or Church Yard & in the Church for burying of the Dead Provided the Perquisites for breaking the Ground in the Cemitry or Church Yard shall not Exceed the Perquisites Reserved & menconed in the Grant thereof made by the Mayor Aldermen & Comonality of the City of New York for the use of Trinity Church aforesaid. And in Case the Church Wardens & Vestreymen or any of them happen to dye within the year, it shall be Lawfull for the Inhabitants aforesaid in Communion as aforesaid, at any time upon such Emergency to meet at the said Church upon Notice given by the Rector to Elect & Choose others so Qualified as aforesaid in their Roome who shall have full power and Authority to doe Execute & performe the offices of Such as they shall be So Chosen to Succeed respectively, untill the time of next Annuall Election. And upon the Alteration of any Church Warden by Death or otherwise the preceding Church Warden or Wardens of the said Church, shall Deliver over to their Successors in that Office, all Deeds, Charters, Evidences, Books, matters & things whatsoever belonging to the said Church in their Custody by Indentures Containing An Inventory of them Interchangeably under their hands, which Indentures shall be Exhibited and shewn to the Vestreymen at first meeting next after such Annuall Election or other Alteracon happening.

And be it further Enacted by the Authority aforesaid that it shall & may be Lawfull for the Rector for the time being of the said Church upon avoidance of such Officers to nominate and appoint a Clark Sexton or Sextons for the said Church & that the Clark Sexton or Sextons of the said Church be & Continue in their respective Offices dureing their Naturall Lives, unless they Voluntary Surrender, become uncapable of Serving by Sickness or other Infirmity, or misbehave themselves, in which Case it shall be in the power of the Rector of the said Church for the time being with Advice & Consent of the Church Wardens or one of them & Vestreymen or Major part of them to displace or remove such Officer or Officers so misbehaving themselves & not otherwise And Lastly be it Enacted by the Authority aforesaid, that this present Act and the Severall powers, priviledges & Libertyes therein & thereby granted to the Rector & Inhabitants aforesaid in Communion as aforesaid & their Successors for ever be & shall be Construed & understood most favourably for ye

benefit of said Church according to the true Intent & meaning of his Excellency the Governor & Council & Assembly aforesaid.

Provided nevertheless that this present Act of Generall Assembly nor anything therein Conteined shall be Construed or understood to Extend, to abridge or take away the Indulgency or Liberty of Conscience granted & Allowed to other Protestant Christians. By An Act of Parliament made in the first year of the Reign of the late King William & Queen Mary of blessed memory, Entituled An Act for Exempting their Maties Protestant Subjects Dissenting from the Church of England from the penalty of Certaine Laws or by any other Law or Statute of the Realme of England or this Plantation any thing in this present Act Conteined or misconstrued to the Contrary thereof in any ways notwithstanding.

THE NINTH ASSEMBLY.

Fourth Session.

(Begun Apr. 13,1704, 3 Anne, Edward, Lord Cornbury, Governor.)

[CHAPTER 142.]

[Chapter 142, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Brinley's Bradford, pp. 235, 268. Title only is printed in Baskett, p. 75. This act and the several other acts of 1704, are stated, in Baskett, to have been passed in 1705.]

An Act to charge the Severall Citys & Countys of this Colony with One hundred Forty three pounds Ten shillings & Ten Pence, for fitting & Furnishing a Roome for the General Assembly with a Lobby in the City Hall of New York.

[Passed, June 27, 1704.]

For the appointing fitting up & ffurnishing a Roome for the Sitting of the General Assembly & a Lobby to the Same in the Eastern part of the City Hall of the City of New York, & makeing the same Convenient for that purpose. The persons Elected by the Free-holders of the respective Countys and places in this Colony to serve in Generall Assembly are humble Suiters to your Excellency, that it may be Enacted. And be it Enacted by the Governr Council & Assembly & by the Authority of the same, That the Chamber or Roome in the said City Hall on the same, fflower, & to the South East of that part of the Hall where the Mayors Court is usually holden & kept, shall be & is hereby set

a part appropriated and appointed for the place Roome or Chamber for the Sessions of the General Assembly for ever hereafter, when the Same Assembly shall be summoned called & held in the same City of Newyork and the Roome on the same Flower to the North East thereof to be a Lobby to the same. And that for the fitting & furnishing the said Two Roomes for the use & Service aforesaid and nototherwise, the Sum of One hundred fforty three pounds, ten shillings & ten pence, be paid by the ffreeholders & Inhabitants in this Colony according to the Severall & respective Quota's & proporcons hereafter menconed unto Jremiah Tothill one of the Aldermen for the said City of Newyork, at or before the Last day of October next ensueing according to the Rates & proporcons following (that is to say)

For the City & County of Newyork Thirty one pounds, five shillings & Eight pence.

For the City & County of Albany, Nine pounds Nineteen shillings & five pence.

For Kings County, Twenty pounds, fourteen Shillings & one peny.

For Queens County, Twenty four pounds, three shillings & Six pence.

For the County of Suffolk, Twenty four pounds, three shillings and Six pence.

For the County of Richmond, Six pounds & Sixteen shillings, For the County of West Chester, Ten pounds Two Shillings & Eight pence.

For the County of Ulster, Eleven pounds, Eleven shillings & four pence.

For the County of Orange, Three pounds, Seven shillings and Eight pence.

For Dutchess County, One pounds & Seven shillings which said severall Sums shall be raised, Assessed Collected & Levyed Immediately after the Publicacon of this present Act, according to & by Such Rules, Direccons & Methods, & under such paines, peualties & forfeitures as is Contained menconed & enjoyned in & by an Act of Generall Assembly made in the Second Year of the Reign of Her present Maty Queen Anne, Entituled an Act for the better Explaining & more Effectual putting in Execucon, an Act of General Assembly made in the third Year of the Reign of the late King William & Queen Mary. Entituled, An Act for Defraying the Publick & necessary Charge thro'out this Province and preventing Vagabonds, as fully and in like manner to all Intents & purposes as if the same were particularly recited and Set down in the Body of this Act.

And be it also Enacted by the authority aforesaid that the Several Sum & Sums of money before menconed, shall at or before the Twenty Nineth day of September next by the Severall and respective Collectors of the Citys, Towns, Mannors, Libertys and Districts for which they respectively do serve, be paid into the Treasurer of their respective Citys and Countys. And further that the Severall and respective treasurers of the said Citys and Countys, shall and are hereby Directed, authorized and required to pay & Sattisfy, the said Mr. Jeremiah Tothill the Severall and respective Sum & Sums hereinbefore menconed proportioned & appointed on or before the said last day of October next ensueing at Newyork aforesaid, and without further Delay, to be applyed appropriated and Disposed to the use and purpose aforesaid, & no other use or purpose whatsoever under Such pains & penalties as by the said recited Act of Generall Assembly made in the Second year of the Reign of her present Maty, & in this Act before menconed is appointed, Enacted set forth & Exprest.

[CHAPTER 143.]

[Chapter 143, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Brinley's Bradford, p. 237, 270. Title only is printed in Baskett, p. 75. (See chapter 139.)]

An Act for the better Explaining An Act made in the Second Year of her present Ma'tys Reign, Entituled An Act to Oblige persons to pay their Arrears of One thousand pounds taxe granted by Act of Generall Assembly of this Colony in the Twelfth year of our late Soveraign King William the third of blessed Memory, for building a ffort at Onondago for the Security of the five Nations of Indians, & for the remedying some Irregular proceedings Comitted in Kings County in the Execucon of the said Act.

[Passed, June 27, 1704.]

WHEREAS there was a Tax of One thousand pounds layd upon this Colony by Act of General Assembly in the Twelfth Year of the Reign of King William the third, for building a Fort at Onondago &c and upon the Levying of Kings Countys proportion of said Tax, the Publick and necessary Charge of the said County was Added to the same Proportion which together amounted to the Sum of Three hundred pounds & was promisciously Assessed and laid on the ffreeholders & Inhabitants of

that County, and part thereof Levy'd, Collected and paid in, to Discharge the Proporcon of the said Tax of One thousand pounds, and other part thereof Levyed Collected and paid in towards Defraying the said Publick & necessary Charge of the said County, and whereas upon the putting in Execucon the said Act made in the second Year of the Reign of her present Ma'ty to Oblige the payment of the Arrears of the said One thousand pounds many Disputes Difficulties and questions have arrisen & divers hardships & Inconveniencyes may probably happen if not prevented. For the avoyding of which Be it Enacted by the Governr Council & Assembly and it is hereby Enacted by the Authority aforesaid that the severall Collectors for the respective Towns within Kings County who were then Chosen & appointed to Levy & Collect the said Tax or in Case of Death or removall, the Collector or Collectors for the time being shall & are hereby directed, Impowered & required to Levy & Collect the Arreares of the said three hundred pounds according to the then Assessment thereof made of and from the Severall & respective persons in the said County Chargeable therewith who have not already paid the same, & the Sum so levyed and Collected with those Sums now remaining in Such Collectors hands of that Assessment & not paid in shall forthwith be paid, in to the Treasurer of the said County, who out of the same shall Immediately, pay into the Collector or Receiver Generall soe much as shall Compleat the Sum of One hundred fforty seven pounds being the proportion of the said One thousand pounds Tax wherewith the Same County was Burthened & the Arrears of the said One thousand pounds Tax menconed & Intended by the said Act of Assembly in the second Year of her present Ma'ty, & that ye remainder thereof be & remain in the said Treasurers hands till Issued forth according to the Laws of this Colony towards defraying the publick & necessary Charge of the said County any thing in the said Acts of Assembly or any other Law, usage or Custome to the Contrary hereof in any wise notwithstanding.

And be it further Enacted by the same Authority That the said Treasurer and Collectors and every of them shall have the same powers and Authoritys, priviledges & Advantages for the putting this Act in Execucon and be Lyable to and undergoe the same Pains and penaltys in Case of any Omission neglect or Abuse as the Collectors in any or all the said Acts of Generall Assembly are Invested with or Lyable unto as if the same were specially & perfectly menconed in this Act.

[CHAPTER 144.]

[Chapter 144, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Brinley's Bradford, pp. 233, 266; Baskett, p. 74. Confirmed by the Queen, May 20, 1708. (See Fowler's Bradford, p. CXXXIX.) See chapter 131,]

A Bill for the better Laying out Regulating Clearing and Preserving Publick, Comon Highways in this Colony and for the Erecting and Building a County Jaile and County House in the County of Richmond,

[Passed, June 27, 1704.]

WHEREAS by An Act of General Assembly made in the second Year of the Reign of her present Maty, Entituled, An Act for the Laying out, Regulating, Clearing and preserving, publick Comon Highways thro'out this Colony. It is Enacted that all the Roads & Publick Highways by the said Act Intended shall be of four Rods at the Least in Such as then were used and laid out, and all new Publick Roads or Highways that should be laid out by virtue of the said Act be of the breadth of Six Rods English Measure, And for the better putting in Execucon the said Act, Commissioners were in and by the same appointed, Nominated, Impowered and required with all Convenient Speed to put the said Act in due Execucon thro' the respective Countys & Districts for w'ch they were nominated and appointed. Forasmuch as the County of Richmond being Small, & to prevent as much that Land may not lye Wasted & be rendred useless and the Inconveniency Charge and Burden that may attend sundry persons and by reason the Inhabitants of the County have but small Tracts of Lands, & want the benifit of Commons as other Countys in this Colony Injoy. And for the Speedy and Effectuall putting in Execucon the before recited Act. Be it Enacted by the Governour Council & Assembly and by the Authority of the same. That the great Road within the County of Richmond shall only Extend in breadth four Rod English Measure and no more, & the Lesser Roads in the said County shall be of the breadth of three Rod English measure and no more Except and always provided where and when a Road is or shall be Directed and Laid out thro' any persons Land who by his Patent is Obliged to allow a greater breadth for Roads and Highways any thing in the said recited Act menconed to the Contrary hereof in any wise notwithstanding.

And be it further Enacted by the Authority aforesaid, That all the Inhabitants in each respective Division within the said

County shall Contribute Aid and Assist to Clear repaire amend and preserve all such Highways which are or shall be appointed and laid out within the said County by the Commissionrs nominated in the before recited Act And the said Commissionrs are hereby Impowered to make out & Send orders from time to time to summons the Severall Inhabitants of their respective Divisions within the County of Richmond for the Clearing, Repairing, and preserving all and every or any part of the Roads and Highways made or to be laid out as aforesaid and all and every Inhabitant, Refuseing, Delaying and Denying to Obey any such order or Sumons of the said Commissioners as aforesaid shall forfeit and pay for every Such Offence six shillings Current money of this Colony and on Non-payment thereof, the Commissionrs aforesaid on Oath made before the said Commrs by one Credible Witness of Such neglect, refuseing Delaying or Denying to obey any order or Sumons are hereby Authorized and Impowered to Issue forth their Warrants under their hands and Seals to any Constable to make Distress & Levy the same on the Goods and Chattles of the Party or Partys so offending as aforesaid as in the said recited Act is menconed which fforfeiture shall be Imployed to the use and purpose aforesaid & the overplus (if any be) of such Distress and Sale after the Charges thereof shall be paid and Deducted shall be returned to the owner or person on whom such Distress shall be made.

And whereas there is wanting in the said County of Richmond a County Jaile and County House which the Inhabitants thereof are not Enabled by a particular Law to Assess Levy & Collect money for the building & Erecting the same. Be it further Enacted by the Authority aforesaid that the Justices of the Peace for the said County or the Major part of them at their Quarter Sessions or otherways shall have full power to order Direct and appoint under their hands the Building & Erecting Such County Jaile & County House aforesaid on Such Convenient place or places neer the middle of the said County (saveing the Property of others) & to Calculate, Settle, agree, Estimate & Examine the Charge of Such Erections & buildings hereinbefore menconed which said Calculacon & Estimate of the Charges Provided the Same do not Exceed the Sum of Two hundred pounds shall be Delivered with a Warrant under the hands of the Justices into the respective Assessors of each Division of the said County who shall equally, Justly & Impartially Rate & Assess the ffreeholders & Inhabitants of the Said County which said Rate and Assessment shall be delivered unto the respective Collectors of each Division in the said County with all Convenient Speed & the money So Collected shall remaine in the hands of the said Col-

lectors who shall make payment thereof for the uses aforesaid to such persons and in Such manner as shall be Directed and appointed under the hands of the Justices of the Peace of the said County or the major part of them, on the penalty of fforfeiting the Sum of Two hundred pounds for the uses aforesaid to be recovered in any of her Matys Courts of Record within this Colony. And the Assessors and Collectors before menconed that shall refuse to undertake the said Severall and respective Services or who shall neglect or make Default of their respective Dutys therein shall pay & fforfeit the Sum of Two pounds for Such refusall; and every wilfull Default & neglect of his Duty to be recovered & Levyed by Distress & Sale of the Offendors Goods & Chattles by Warrant under the Hands & Seales of two Justices of the peace of the said County Provided Oath be first made of the said Offence before such Justices by one or more Credible Witness wch said fforfeiture shall be Imployed to the use of the Building aforesaid & the overplus (if any be) of such Distress & Sale after the Charges thereof shall be paid & Deducted shall be returned to the owner or person on whom such Distress shall be made.

[CHAPTER 145.]

[Chapter 145, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Brinley's Bradford, pp. 233, 266; Baskett, p. 73. Confirmed by the Queen, May 20, 1708. (See Fowler's Bradford, p. CXXXVIII.) The act referred to is chapter 1.]

An Act to Repeal the last Clause in An Act of Assembly Entituled An Act for the quieting and Setling the Disorders that have lately happened within this Province & for the Establishing and Securing their Matys present Goverment against the like Disorders for the future.

[Passed, June 27, 1704.]

WHEREAS by one Act of Generall Assembly made in the year One thousand Six hundred Ninety one, Entituled, An Act for the quieting and Setling the Disorders that have lately happened within this Province and for the Establishing and Securing their Ma'ties present Goverment against the like Disorders for the future. It was Enacted that whatsoever person or persons should by any manner of way, or upon any pretence whatsoever endeavor by force of Arms or otherways, to disturb the Peace good & quiet of this their Ma'ties Goverment as it is now Established, should be Deemed & Esteemed as Rebells & Traytors

unto their Maties, & Incur the Pains, Penalties & fforfeitures as the Laws of England have for such Offences made and Provided.

And whereas her most sacred Majesty hath been graciously pleased out of her princely Care for the good and Safety of her Subjects in their Lives and Estates to observe in her Intruccons to the Governor that the meaning of the said Clause hath been of late misinterpreted to the oppression of her Subjects, and is pleased to direct that for preventing the like abuses for the future the said Clause should be repealed the Laws of England having Sufficiently provided for the true purposes thereof.

Be it therefore Enacted and it is hereby Enacted by his Excel the Govern' by and with the Consent of her Ma'tys Council & this General Assembly that the above recited Clause in the said Act and every matter and thing therein Contained shall be & is hereby Repealed, Annulled and made void to all Intents Constructions and purposes whatsoever anything in the said Recited act being to the Contrary hereof in any wise notwithstanding.

THE NINTH ASSEMBLY.

Fifth Session.

(Begun Oct. 6, 1704, 3 Anne, Edward, Lord Cornbury, Governor.)

[No acts were passed at this session.]

THE TENTH ASSEMBLY.

First Session.

(Begun June 9, 1705, 4 Anne, Edward Lord Cornbury, Governor.)

[CHAPTER 146.]

[Chapter 146, of Livingston & Smith and Van Schaack, where the act is printed in full. Title only is printed in Brinley's Bradford, pp. 239, 278; Baskett, p. 80. Livingston & Smith and Van Schaack, state that this act was confirmed by the Queen, April 11, 1706. (See chapters 36, 152, 412, 812.)]

An Act for the better Explaining & more Effectual putting in Execucon an Act of General Assembly Entituled an Act for Setling a Ministry & raiseing a mainteinance for them in ye City of New York County of Richmond West Chester & Queens County.

[Passed, August 4, 1705.]

WHEREAS by an Act of General Assembly made in the Year of our Lord 1693 Entituled an Act for Setling a Ministry &

raising a Mainteinance for them in the City of New York, County of Richmond, West Chester & Queens County It was Enacted that there should be called, Inducted & Establish'd in the several places therein mencon'd a good sufficient Protestant Minister to Officiate & have the care of Souls & that there should be Annually Assessed, Levy'd, Collected & paid in every the respective Cities & Countys aforesaid the several & respective Sums in the said Act mencon'd for the mainteinance of their Several & respective Ministers to be paid in Country produce at money price. And whereas in putting in Exccucon the said Act many disputes Difficulties & Questions have arisen for the preventing & avoiding of which Be it Enacted by the Governr. Council & Assembly, And it is hereby Enacted by the Authority of the same. That from henceforth If the Justices & Vestreymen of each respective County Parish or precinct of Richmond West-Chester & Queens County aforesaid who by the said Act are Directed & Impowered to lay the Tax for the purposes aforesaid Shall not within Ten dayes next after the said Vestreymen shall be respectively chosen in such manner as the said Act directs lay a reasonable Tax on ye several & respective places for the several & respective maintainces in the said Act expressed. That then the respective Justices of the Peace of each County respectively or any two of them shall & are hereby required & Impower'd within ten dayes next after such neglect or refusall of the Vestrymen aforesaid to lay a reasonable Tax on the respective places aforesaid for the severall & respective mainteinances as they might have done by virtue of the said Act in default of the respective Freeholders Chuseing of the Vestreymen under penalty of five pounds for every respective Justice that shall neglect or refuse to do the same.

And be it further Enacted by the Authority aforesaid that all & every the payments that shall hereafter be made & paid to the respective present Incumbents Inducted & Established at the respective places aforesaid by his Excellency the present Govr & to all & every the Incumbents who shall hereafter be presented Instituted and Inducted to the said respective places for their respective mainteinances pursuant to the said recited Act shall be made & paid to them respectively by the respective Church Wardens of every respective place in the Currant money of this Province any thing Contain'd in the said Act to the Contrary notwithstanding. and the same to be paid at such times & in such manner & under Such penalty as in the said Act the same is required & directed to be paid in Country produce.

And for the more Effectual putting in Execucon the said recited Act, Be it further Enacted by the Authority aforesaid

that all and Singular the fines penalties & forfeitures menconed in this & the said recited Act shall be one halfe to ye poore of every respective County Parish or Precinct where the same shal be incurr'd & the other half to him or them that shall or will prosecute for the same before any of her Maties Justices of the peace for the respective Counties for the time being where such penalty shall be incurr'd as aforesaid who are hereby respectively required Impowered & Authoriz'd within fforty days after any Complaint shalbe made to him or them by any person or persons of the breach of this or of the said recited Act by reason of any person or persons not doing his or their Duty hereby or by the said recited Act required to be by him or them perform'd and done, to Sumons the said person or persons so Complain'd against as aforesaid, & upon the partyes not appearing upon the said Sumons or the matter being heard before him shall give Judgment & grant Execucon thereon against the party so not appearing or offending. And shall Immediately thereupon appoint another fitt person to do & performe what ought to have been done & performed by the said party Offending, and if the person so appointed as aforesaid shall neglect to do & performe his Duty therein he shalbe Subject to ye like penalty as if he had been duely Elected any former Law Usage or Custome to the contrary thereof in any wise notwithstanding.

And forasmuch as by the said Act all & every the respective Ministers that should be settled within the respective Countys Parishes & Precincts aforesaid should be called to Officiate in ye respective places by the respective Vestry Men & Church Wardens within one Year next after the publication of the said recited Act now as an explanacon of the said Act & for preventing any Controversies & disputes for the future touching the same.

It is hereby further Enacted & declared that the respective Vestrymen & Church Wardens for the time being of every respective place, or Major part of the said Church Wardens & Vestrymen whereof one Church Warden always to be one shall & are hereby Impowered to call & present after the Death of the severall & respective present Incumbents so Inducted & Established as aforesaid & for ever hereafter a good sufficient Protestant Minister within one year next after the avoidance of any of the said places respectively the same shall from time to time happen to become void which Ministers shall respectively be Instituted and Inducted to the said Churches of the said respective places, & so as often as any or either of the said places shall become void.

Provided nevertheless that neither this present Act of General Assembly nor any thing herein contein'd shall be Construed or

understood to extend to abridge or take away the Indulgence or Liberty of Conscience granted & allowed to any other Protestant Christians by any Law or Statute of the Realm of England or of this Plantation any thing in this Act contein'd to the Contrary hereof in any wise notwithstanding.

And lastly it is hereby Enacted and declared by the authority aforesaid that the said Act of General Assembly made in the Year Sixteen hundred Ninety three hereinbefore recited and all and every Clause, Article and thing therein contained shall Continue and be in full force and Virtue Save so much only which by any former or this present Act is altered or made void or otherwise, Directed, Declared and provided for.

[CHAPTER 147.]

[Chapter 147, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Brinley's Bradford, pp. 233, 272. Title only is printed in Baskett, p. 80. See ch. 129.]

AN ACT to enable the Justices of the Peace for the City and County of Albany to raise the Sum of One hundred pounds for the Repairing or Rebuilding of a comon Goal & City & County Hall, over & above the Sum of ffour hundred pounds they were enabled to raise by an Act of the General Assembly made in the second Year of her Ma'tys Reign, Entituled, an Act to enable the Justices of the Peace for the City & County of Albany to Repair or to rebuild a Comon Goal, City & County Hall for ye said City & County, & to pay the arrears of their Publick Charge.

[Passed, August 4, 1705.]

WHEREAS by an Act of the General Assembly of this Colony, made in the second year of her Maties Reign, Entituled, an Act to enable the Justices of the Peace for the City & County of Albany to repaire or Rebuild a Comon Goal; City & County Hall for the said City and County, and to pay the Arrears of their Publick charge, It is Enacted that for & during the Term and space of three years from & after the Publicacon of the said Act, it should be Lawful for the Justices of the Peace of the said City & County, for the time being, or the Major part of them, at any time or times with in the Term of Three Years, to raise such Sum & Sums of money, not exceeding four hundred pounds, during the said Term, upon the Freeholders & Inhabitants of ye Said

City & County, as they should Judge needful & requisite for the repairing or building a Sufficient Goal, City & County Hall, & other things needful & requisite for ye Administracon of Justice in the said City & County, & for paym't of their by past arrearages of the City & County Charge, to be Assessed, Levyed & paid according to the Direccons in the said Act at large exprest. And whereas the Justices of the Peace of the said City & County Since ye making of the said Act, have upon Examinacon, found that the said sum of four hundred pounds is not Sufficient to Compleat the matters aforesaid, Be it therefore Enacted, And it is hereby Enacted by his Excellency, the Govr, Council & Assembly, & by the Authority of the same, That for & during the Term & Space in the aforesaid Act menconed, it shall & may be Lawful for ye Justices of the Peace of the said City & County, for ye time being, or the major part of them, at any time or times, within the Term in ye said Act Lymitted, to raise ye Sum of One hundred pounds, over & above the four hundred pounds in ye said Act menconed, during the said Term, upon the Freeholders & Inhabitants of the said City & County, as they shall Judge needful for ye repairing or rebuilding of a Comon Goal & City & County Hall, & for no other use & purpose whatsoever; w'ch Sum of One hundred pounds, over & above the said Sum of Four hundred pounds, is to be Assessed, Collected, Levyed, paid & disposed of for the use aforesaid, & for no other use w'tsoever, in ye like manner & form, & under ye same rules & Direccons, as in ye before menconed Act is exprest, in as full & ample manner as if the same were in this present Act particularly menconed & Exprest, any thing to ye contrary hereof in any ways notwithstanding. Provided alwayes, & be it further Enacted, That ye manner of Renslaerwick shall not be chargeable with any part of the said One hundred pounds, any thing to the Contrary hereof in this present Act conteined in any wayes notwithstanding.

[CHAPTER 148.]

[Chapter 148, of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Brinley's Bradford, pp. 239, 278. The act does not appear in Baskett. Expired, October 31, 1707. See chapters 127 and 169.]

A Bill for Enforcing and Continuing the Act for Encouraging A Post Office in this Province of New York for three Years from the Month of October which was in the year 1704.

[Passed, August 4, 1705.]

WHEREAS the Act of Generall Assembly of this Province made in the year one thousand Six hundred Ninety two

Entituled An Act for the Encouraging A Post Office. And also an Act made in the year One thousand Six hundred Ninety five Entituled an Act for Continuing An Act for Encouraging the post Office three Years longer after the Expiration of the said Act. And also another Act made in the year one thousand Six hundred Ninety Nine Entituled An Act for Continuing the Act for Encouraging the post Office two years longer after the Expiration of the last Act made for Continuance of the same. And also another Act made in the year one thousand seaven hundred and two Entituled An Act for Enforcing and Continuing the Act for Encouraging A post Office in this Province of New York for four years and one halfe year from the Month of April which was in the Year one thousand seaven hundred are all Expired by their own Limitation the last of which Ended in the Month of October One thousand seaven hundred and four. And itt being found Very Advantagious to the Inhabitants of this Province by the preserving of Trade and Maintaining A Mutual Correspondence amongst our Neighbouring Collony's and Plantations that the same Should be Enforced and Continued. Be itt Enacted by the Governour and Council and Representatives Conven'd in General Assembly and by Authority of the same that the Act Entituled An Act for Encouraging A post Office be Enforced and Continued for the Term of three years from and after the Month of October which was in the year one thousand seaven hundred and four and all the Rates and Sums of Money Established by Vertue of the said Act upon letters and Pacquetts that shall be Received and dispatched by the Office and Offices Contained in the said Act Shall be paid by the Space of three years from And after the Month of October which was in the year One thousand seaven hundred and four According to Such Rules and directions and under such Penalties and forfeitures as is Contained and Enjoyned by the Said Act Entituled An Act for Encouraging A post Office and Every Article Rule and Clause therein Mentioned and Contained Shall be Abide Remain & Continue in full force and Effect to all intents and purposes during the said Term of three years from and after the Month of October which was in the year one thousand seaven hundred and four and no longer as fully and in like manner as if the same were particularly and att large Recited and sett down in the body of this Act Any thing Contained therein to the Contrary hereof in any wise Notwithstanding.

[CHAPTER 149.]

[Chapter 149, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Brinley's Bradford, pp. 234, 273; Baskett, p. 77. Revived by chapter 308.]

AN ACT to prevent the running away of Negro Slaves out of the Citty and County of Albany to the French at Canada.

[Passed, August 4, 1705.]

WHEREAS the Citty and County of Albany are the ffrontiers of this Province towards the ffrench of Cannada and that it is of great Concerns to this Collony dureing this time of warr with the ffrench that no Intelligence be Carryed from the said City and County to the French at Cannada AND WHEREAS the Justices of the Peace for the Said Citty and County at a Court of Sessions held at the Citty Hall of the Said Citty of Albany On the ffifth day of June of This present year of our Lord One Thousand Seven hundred & ffive did recomend to the Representatives of the Said Citty and County to lay before the Assembly of this Province now Conveened the ffears and Jelousies they have that Several Negro Slaves belonging to the Inhabitants there have a design to leave their respective Owners and go to the ffrench at Cannada as Some have already done which has and would be to the great loss & detrimcnt of the Owner or Owners of Such Negro Slave or Slaves and also of very pernicious Consequence to the whole province. ALL which being Considered by the General Assembly BE IT ENACTED and it is hereby Enacted by his Excellency the Governour Councill and Assembly And by the Authority of the Same that all and every Negro Slave or Slaves belonging to any of the Inhabitants of the Citty and County of Albany who Shall from and after the ffirst day of August of this present year of our Lord One Thousand Seven hundred and ffive be ffound Travelling fforty Miles above the Citty of Albany at or above a Certain place called Sarachtoge (unless in Company of his her or their Master Mistress or Such Employed by them or either of them.) And be thereof Convicted by the Oaths of Two or More Credible Witnesses before ye Court of Sessions of the Peace of the Said Citty and County (which Court of Sessions are hereby Authorized and Empowered to hear and determine the Same in manner aforesaid and thereupon to award Execution) he She or they so convicted shall Suffer the paines of Death as in cases of ffellony, AND be it further Enacted by the Authority aforesaid that all & every

Negro Slave or Slaves belonging to any of the Inhabitants of the Citty and County aforesaid who after the ffirst day of August aforesaid Shall be found offending against this Act he she or they is or are to be Imediately Conveyed to the next Justice of the Peace of the Said County and be by him Committed to Goale without Bail or Mainprise untill he she or they be thence delivered by due Course of Law and the said Justice of the Peace is hereby required to give Or Send Imediate Notice thereof unto the owner or Owners of Such Slave or Slaves to the End Such Owner or Owners do within Two days next and after the Receipt of Such notice appeare before some Justice of the Peace of the Said County and nominate One or more indifferent persons to Appraise and Value the Negro Slave or Slaves So taken and Committed as aforesaid And the Said Justice of the Peace is hereby required and Empowered to Nominate and appoint as many more indifferent persons to Joyn with the persons Nominated by the Owner or Owners of Such Slave or Slaves to Appraise and Value the Same which persons so chosen are to returne their Appraisment to the Justice aforesaid under their hands and Seals within Two days next and After their being nominated and Appointed which Said Appraisement so made the Said Justice of the Peace is to Returne the Same to the next Court of Sessions and if Such Negro Slave or Slaves Offending in Manner aforesaid be thereof Convicted and Executed for the Same the Said Court of Sessions is hereby directed and Impowered to Cause the Summ of the Appraisement of Said Negro Slave or Slaves together with the Charges of prosecution Provided the Said prosecution doth not Exceed Tenn pounds to be Rated Assessed and levyed on all and every person & persons having Slave or Slaves within the Said Citty and County in Such ways and manners as other the publick Charges of the Said Citty and County are levyed PROVIDED allways the Same be Assessed levyed Collected and paid to the Treasurer of the Said County within Three months next and after ye Execution of Such Slave or Slaves and the Said Treasurer is hereby directed within Eight days next & after his Receipt thereof out of the Said moneys so to him paid to defray the Charges of the prosecution not Exceeding Tenn pounds as aforesaid and pay to the Owner or Owners of Such Slave or Slaves the full Value Such Slave or Slaves were Appraised for, whose Receipt Shall be his Sufficient discharge and that no difference may arise Concerning the Value of the Slave or Slaves for whom the Owners are to pay in manner aforesaid BEE IT ENACTED by the Authority aforesaid the Negro Slave or Slaves in the Citty and County aforesaid when any Such Accident shall happen are to be Rated and Assessed at the

Rates and prises hereinafter Exprest that is to say, Every Negro Slave male or Female from the Age of ffifteen Years and upwards being fitt for Service at Thirty pounds And if any difference do arise whether any Negro be fitt for Service the Same is to be Adjudged by the next Justice of the Peace And be it ffurther ENACTED by the authority aforesaid That the Respective Court or Sessions and Justices of the Citty and County aforesaid are hereby fully Empowered and Authorized to Cause this Act to be put in Execution Any Law Usage or Custome to the Contrary hereof Notwithstanding PROVIDED always that this Act and every article & charge therein contained Shall only be of force dureing this present warr with the French and no longer.

PROVIDED also that this Act nor any Clause therein Conteined Shall be Construed to Exempt the Negro Slaves of the Said Citty and County from the Penaltys for other his her or theire offences mentioned in an Act of Assembly made in the ffirst year of her Majesties Reign Entituled an Act for Regulating Slaves any thing to the Contrary hereof notwithstanding.

[CHAPTER 150.[

[Chapter 150, of Livingston & Smith and Van Schaack, where the act is printed in full. Title only is printed in Brinley's Bradford, pp. 239, 278, but among the acts of 1706, p. 287, the act is printed in full. Printed in full in Baskett, p. 79. Confirmed by the Queen, May 20, 1708. (See Fowler's Bradford, p. CXXXIX.)]

AN ACT for defraying the Comon & necessary Charge in the Mannor of Renslaerwick in the County of Albany.

[Passed August 4, 1705.]

BE it Enacted by the Gouvernour Council & Assembly & by ye Authority of ye same that for the better defraying ye Comon & necessary charge of the Mannor of Renslaerwick in the County of Albany as well as what is already past as the present & future Charges. That it shall & may be Lawfull for the Inhabitants of the Mannor of Renslaerwick being Freeholders to Elect & Choose Yearly & every Year one Supervisor one Treasurer, one Assessor & one Collector for ye said Mannor who shall have ye same power, Authority Office & ffunction & do performe Execute & Serve & be Lyable to ye same paines & penaltys as ye Supervisors Treasurers, Assessors & Collectors of ye Severall & respective Countys within this Colony have, ought or are intended to have do performe & be lyable to, by one certaine Act of Generall Assembly past in ye Year of our Lord Seventeen hundred & three Entituled an Act for ye better Explaining & more Effectual

putting in Execucon an Act of Generall Assembly made in the third Year of ye Reign of the late King William & Queen Mary Entituled an Act for defraying ye Publick & necessary Charge thro'out this Province & for maintaining ye Poor & preventing Vagabonds. And be it further Enacted by ye same Authority That ye Wages & Charge of their Representative or Deputy in General Assembly shall be ye same as in ye other Citys & Countys, which is & shall be Tenn shillings P diem & that as to what relates to ye Wages & Charges of Representatives in General Assembly the Inhabitants of ye same mannor shall only be lyable to defray the Wages & Charge of their own Representatives or Deputy in General Assembly & not otherwise.

[CHAPTER 151.]

[Chapter 151 of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Brinley's Bradford pp. 237, 276. Title only is printed in Baskett, p 79. Expired in 1713. Revived by chapter 316.]

AN ACT for the Preservation of Deer

[Passed August 4, 1705.]

BE it Enacted by the Govr. Council & Assembly & by the Authority of the same, That whosoever within the Countys of Suffolk, Queens County, Kings County, West Chester or Richmond, Christian or Indian, Freeman or Slave after ye first day of January which will be in the Year of our Lord Seventeen hundred & five shall kill or destroy any Buck Doe or Faun or any Sort of Deer whatsoever, at any time of the Year except only between the first day of August & the first day of January, shall forfeit & pay the Sum of Twenty Shillings Lawfull money of New York or in default thereof Suffer Imprisonmt for ye terme & Space of Twenty days without Baile or Mainprize, unless within that time he or they pay the forfeiture aforesaid. The one half whereof shall be to him who shall prosecute & sue for ye same before any one of her Ma'tys Justices of the Peace where such offence shall be Comitted who is hereby Authorized Impower'd & required to hear & determine the same at his Discretion and the other half to the Poore of the respective County where any person or persons shall be of such Offence Convicted.

And be it also Enacted by the Authority aforesaid That whatsoever Dog or Dogs shall be found hunting or Chaceing any Buck Deer or Faun or any Sort of Deer whatsoever between the said first day of January & the first day of August Yearly shall & may be and hereby are required to be shott and kill'd or otherwise destroy'd any Law to the Contrary hereof notwithstanding. and the Severall Justices of the Peace within the said Countys

& every of them are hereby required to Se this Act and every Clause therein put in Execution According to the true Intent, & meaning thereof.

And be it further Enacted by the Authority aforesaid that the Keepers of the Goales for the Countys aforesaid respectively having a Warrant from one of her Ma'tys Justices of the Peace for that County shall receive Such Offender or Offenders into their respective Goals and him or them in safe and Close Custody keep for the Term aforesaid on penalty for neglect or refusall to pay Double the Forfeiture aforesaid to be recovered in any of her Ma'tys Courts of Sessions and to be apply'd in manner before Exprest.

Provided always, That this Act shall be & remaine in full force for the Space of Seven years from the first day of January next & no longer.

[CHAPTER 152.]

[Livingston & Smith and Van Schaack, print the title of this act as distinct from chapter 146, giving date of passage of each act as August 4th. The Minutes of the Council of that date show that but one act was passed. (See Journals of Legislative Council, p. 234.) Title only is inserted here for the purpose of preserving the continuity of chapter numbers.]

An Act for the better explaining, and more effectual putting in Execution an Act of General Assembly, entitled, An Act for settling a Ministry and raising a Maintenance for them, in the City of New York, County of Richmond, Westchester and Queens County.

[Passed August 4, 1705.]

CHAPTER 153.]

[Chapter 153, of Livingston & Smith and Van Schaack, where the act is printed in full. Title only is printed in Brinley's Bradford, pp. 239, 278. Printed in full in Baskett, p. 80.]

AN ACT for an Allowance to the Burgess of the Burrough of West Chester

[Passed August. 4, 1705.]

Forasmuch as the Burgess of the Burrough of West Chester can not Officiate and Discharge the Trust respos'd in him without being at Charge and Expence. Be it Enacted by his Excellency the Governoor the Council and Assembly and by Authority of the Same. That the Wages and allowance to the said Burgess for the said Burrough from the first day of this present Sessions of Assembly, and for ever hereafter shall be as is

Establish'd vizt. Ten shillings er day Currant money of this Colony and the Mayor, or Deputy Mayor, or any two of the Aldermen for the time being are hereby Authoriz'd appointed and requir'd to raise or Cause to be rais'd, Levy'd and Collected in the said Burrough of West Chester & to pay ye Same to their Burgess in such manner & by such wayes & Methods & for default, & nonpayment of the said Wages & Allowance under such paines, penaltys, ffines, forfeitures and punishments as are mencon'd, Contain'd & Express'd in a Certaine Act of General Assembly made in the year of our Lord Seventeen hundred & three Entituled an Act for the better Explaining & more effectual putting in Execucon an Act of General Assembly made in the third year of the Reign of the late King William & Queen Mary, Entituled an Act for defraying the Public & necessary Charge thro'out this Province & for maintaining the Poore & preventing Vagabonds as fully & in like manner as if the same were particularly & at large recited & set downe in the Body of this Act any thing Contain'd therein to the Contrary hereof in any wise notwithstanding.

[CHAPTER 154.]

[Chapter 154, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Brinley's Bradford, pp. 236, 275. The title only is printed in Basket, p. 79. See chapter 131. This act expired at the end of the next session after June 19, 1709.]

An Act for Continuing an Act for the Laying out Regulateing Cleering and preserving Publick Comon highways thro' out this Colony.

[Passed August 4, 1705.]

WHEREAS the powers granted to the Commissioners menconed in an Act for the Laying out Regulateing, Cleering and preserving, Publick Comon highways thro' out this Colony made in the Year of our Lord Seventeen hundred and three will Expire by its own Lymittacon in the month of June next, whereby the Service by that Act intended will in all probability remaine undone and Imperfect and it being necessary and requisite the same should be performed and fully accomplish'd. BE it therefore Enacted by his Excellency the Governour the Council and Assembly and by the Authority of the Same That the said hereinbefore recited Act and every Article Clause and thing therein menconed and Expressed shall be and is hereby Continued to be in full force and virtue for three Years from the Nineteenth day of June next ensueing & from thence to ye End of ye next Ses-

sions of Genll. Assembly, & no longer any thing to the Contrary hereof in any wise not withstanding.

[CHAPTER 155.]

[Chapter 155, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Brinley's Bradford, pp. 236, 275; Baskett, p. 79. The act expired in 1712. The signature of the Governor and date of passing appear to be torn from the original law in the office of the Secretary of State, but from the Minutes of the Council of August 4, 1705, it appears that such an act was signed by the Governor on that date. See chapter 123. Revived by chapter 370.]

An Act for Reviving and Continuing an Act, Entituled, an Act for Regulating Slaves.

[Passed August 4, 1705.]

WHEREAS an Act, Entituled, An act for Regulating Slaves, made in the year of our Lord, one thousand seven hundred and two is Expired by its own Limitation, which said Act hath been of great use to this Colony, Be it Enacted by his Excellency the Governour, the Council and Assembly, and by the Authority of the same, That the said herein before-recited Act, and every Article, Clause and Thing therein mentioned and expressed, shall be, and is hereby Revived, Renewed, Continued, & shall be in full force and virtue for seven years from the Publication hereof, any thing to the Contrary hereof in any wise notwithstanding.

[CHAPTER 156.]

[Chapter 156, Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Brinley's Bradford, pp. 238, 277. Title only is printed in Baskett, p. 80.]

AN ACT to enable William Bradford of the Citty of New York Printer to Sell and dispose of ye Real Estate of Jno Dewsbury late of Oysterbay in Queens County within this Collony deceased, for the payment of Debts.

[Passed August 4, 1705.]

Whereas John Dewsbury late of Oysterbay in Queens County on Nassau Island decd. was in his life time indebted to William Bradford of the Citty of New-York in Several Considerable Sums of Money, with part whereof in his Life time he purchased diveres Lands Tenements and Hereditaments in this Colony and afterward dyed Intestate, his said Debt yet remains unpaid.

And whereas the said William Bradford as principal Creditor of the said John Dewsbury having obtained Letters of Administration from the honourable Coll Fletcher late Governour of this Colony of the Goods Chattles Rights and Credits of the said deceased, but found not Assets of the Said deceased, wherewith to pay and Satisfie the Same. And the Said John Dewsbury in his Life time, and at the time of his decease being Seized in prossessed of and entituled to those Lands Tenements and Hereditaments in this Colony in manner aforesaid and no Children or Heirs appearing in these parts, it being highly equitable that the Same or So much thereof as will pay and Satisfy the just Debts of the Said John Dewsbury should be applyed for that purpose Therefore at the humble Petition and Request of the Said William Bradford Be it Enacted by the Governour Council and Assembly, And it is hereby Enacted by the Authority of the same, That the Lands Tenements and Hereditaments of the Said John Dewsbury in this Colony Which he stood Seized and possessed of in his Life time and at the time of his decease are and shall be liable to the payment of the Debts of the said John Dewsbury, and that in order thereunto the Said William Bradford is hereby impowered and authorized to sell and dispose of the same to the best advantage, and to Sign Seal deliver and Execute Deeds and Conveyances thereof unto any person or Persons whatsoever which Deeds and Conveyances made and executed shall be construed deemed and taken to be good valid and Sufficient in the Law to all intents constructions and purposes whatsoever And the Vendees and Grantees thereof are hereby Severally and Respectively invested in and entituled to all and every or any of the Said Lands Tenements and Hereditaments purchased by them by virtue hereof from the said William Bradford to all intents and purposes whatsoever in as full and ample manner as if the Same or any of them were sold and disposed of by the said John Dewsbury in his Life Time, according to the most exact perfect and due form by the Rules of Law required to be done unto them or any of them

And it is hereby further Enacted by the Authority aforesaid, That the Moneys arising by the Sale and disposition of the Lands Tenements and Hereditaments aforesaid shall be accounted and esteemed to be Assets of the said John Dewsbury in the hands of the Said William Bradford and as such shall be applyed by him as administrator thereof for and towards the payment of the just Debts of the said John Dewsbury And that the said William Bradford shall be accountable for his disposition thereof in like manner as Administrators legally are, any thing herein to the Contrary hereof notwithstanding.

[CHAPTER 156a.]

[This act does not appear in Livingston & Smith or Van Schaack or Baskett. Title only is printed in Brinley's Bradford, pp. 239, 278. The title of the act is the same as chapter 130 passed June 19, 1703, but a distinct act appears among the original laws in the office of the Secretary of State as having been passed August 4, 1705. From the Minutes of the Council of that date it appears than an act of this title was passed. (See Journals of Legislative Council, p. 234.)]

AN ACT declareing the Illegality of the Proceedings against Coll. Nicholas Bayard and Aldermen John Hutchins for pretended high Treason and for Reversing & making null & void the said Judgments & all Proceedings thereon.

[Passed August 4, 1705.]

WHEREAS in the Months of February & March in the year of our Lord 1701 there was a Crafty & Malicious Prosecution against Coll Nicholas Bayard of the Citty of New York; And Alderman John Hutchins of the Same Citty for pretended crimes and misdemeanours alledged against them, upon which they were Indicted & Sentence of Death past upon them and other Penalties as in cases of High Treason. Which matters haveing been fully heard & Examined before her Most Sacred Majtie in Councill at the Court at St. James's the 21th Day of January 1702, Upon Consideration thereof, Her Majesty being sensible of the Undue & Illegall Proceeding against the sayd Bayard & Hutchins was then most graciously pleased in Her Royall Justice & Bounty, to order that Her Attorney Generall here should bee directed to consent to the Reversing those Sentences and to whatever Else may be requisit in the Law for the Reinstating the said Bayard & Hutchins in their Honour & Property as if no such Prosecution had been.

AND FORASMUCH as the said Nicholas Bayard & John Hutchins are in no wayes guilty of any Crime in those matters Objected against them or Either of them And that Her Majties Just Pleasure & Royall Inclination for the Relief of Her Distressed Subjects may take their Speedy & due Effect, BEE it therefore declared and Enacted by His Excelly the Governour by & with the advice & Consent of Her Majties Councill & the Generall Assembly of this Collony, And it is hereby declared and Enacted by the Authority of the Same, That the said Proceedings & Prosecutions for the said feigned & pretended Crimes & Misdemeanours are and were Undue and Illegal & the

Judgment & Judgments Sentence & Sentences against the said Coll Bayard & Alderman Hutchins & all & Every Matter & thing relating thereunto are Reversed, Annulled & made void & of no Effect to all Intents Constructions and Purposes wtsoever. AND the said Nicholas Bayard & John Hutchins hereby are & are declared and hereby Enacted to be as to their Honour & Property in the Same State Plight & Condition as if no Such Prosecution tryall Judgment or Sentence had been.

THE TENTH ASSEMBLY.

Second Session.

(Begun Sept. 26, 1705; 4 Anne, Edward, Lord Cornbury, Governor.)

[No acts were passed at this session.]

THE TENTH ASSEMBLY.

Third Session.

(Begun May 29, 1706; 5 Anne, Edward, Lord Cornbury, Governor.)

[CHAPTER 157.]

[Chapter 157, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Brinley's Bradford, p. 280. The act does not appear in Baskett. The original of this act does not appear to be in the office of the Secretary of State, but the Minutes of the Council of June 27, 1706, indicate that such an act was signed by the Governor on that date. (See Journals of Legislative Council, p. 240.) This copy is made from Brinley's Bradford. See chapter 114. Repealed by chapter 168.]

An Act for Reviving An Act of General Assembly, entituled, An Act for the better Settling the Militia of this Province, and making it more useful for the Security and Defence thereof, for the space of one year.

[Passed June 27, 1706.]

THE Apparent Danger and present Necessity requiring it, Be it Enacted by the Governour, Council and Assembly, and it is hereby enacted by the Authority of the same, That one Act of General Assembly entituled, An Act for the better settling the Militia of this Province, and making it more useful for the Security and Defence thereof, made in the first year of the Reign of her present Majesty, and late expired by its own limitation, shall be and is hereby Enacted by the Authority aforesaid, to be of force for and during the space and term of one year from the Twentieth Day of June in this present year of our Lord, 1706 and no longer.

[CHAPTER 158.]

[Chapter 158, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Brinley's Bradford, p. 279. Title only is printed in Baskett, p. 81. The original of this act does not appear to be in the office of the Secretary of State, but the Minutes of the Council of June 27, 1706, indicate that such an act was signed by the Governor on that date. (See Journals of Legislative Council, p. 240.) This copy here printed was made from Brinley's Bradford.]

An Act to enable the Mayor, Aldermen and Common Council of the City of New-York, to Carry on the Fortifications of the said City.

[Passed June 27, 1706.]

BE it Enacted by the Governour, Council and Assembly of this Colony, and by the Authority of the same, That from and after the Publication of this Act, All and every the Citizens, Freeholders and House-keepers of the City of New-York, being Inhabitants of the same City, for and during the term and space of two years, either by themselves or sufficient Labourers, shall do such labour, at such days and times, at such place or places, and in such manner and form for the fortifying of the said City of New-York, and for maintaining the same in repair, as shall from time to time be directed and appointed by the Mayor, Recorder, Alder-men and Assistants of the said City of New-York, or the major part of them, conven'd in Common Council, on Penalty of Six Shillings for every neglect, refusal or default, to be forfeited and paid by every such person or persons who shall neglect refuse or delay to perform such labour by themselves, or a sufficient Labourer in their stead and place, in manner aforesaid; and to be recovered by Plaint before the Mayor, or any other of her Majesties Justices of the Peace of the said City of New-York, who are hereby authorized to issue their Warrants, from time to time, to the Constable of the Ward where such person or persons shall dwell, for the levying the said Forfeitures, or any of them, by distress and sale of the Goods, and Chattels of such person or persons so refusing or neglecting to labour, as aforesaid; which said Forfeitures shall be imployed and laid out towards the said Fortifications, and not otherwise.

THE TENTH ASSEMBLY.

Fourth Session.

(Begun Sept. 27, 1706, 5 Anne, Edward, Lord Cornbury, Governor.)

[CHAPTER 159.]

[Chapter 159, Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Brinley's Bradford, p. 281. Livingston &

Smith and Van Schaack, state that this and the six following acts were passed October 24, 1706, but from the Minutes of the Council it appears that they were signed by the Governor, October 21, 1706. (See Journal of Legislative Council, p. 245.) See chapter 192.]

AN ACT for raising the Sum of Three thousand pounds towards defraying the Expence of Fortifying the City of New York.

[Passed October 21, 1706.]

BE it Enacted by the Governr. Council and Assembly and by the Authority thereof. That the sum of Three thousand pounds Currant money of New York be hereby granted to her Maty our Soveraign Lady to the Uses & purposes hereinafter menconed set forth & expressed and that the same be laid, Assess'd, rais'd and Levy'd upon the Estates Real and personal of all and every the Inhabitants Residents, Sojourners and Freeholders of and in this Colony to be paid into the Treasurer of this Colony hereinafter nam'd and appointed, in manner following, that is to say, The sum of Fifteen hundred Pounds, on or before the five & Twentieth day of March now next Ensuing and the sum of Fifteen hundred pounds on or before the last day of November then next Ensuing, according to the rates & proportions following, that is to say, For the City and County of New York. Fifteen hundred pounds. For Kings County, Two hundred Seventy Six pounds & Thirteen shillings. For Queens County. Three hundred Twenty three pounds & three shillings. For the County of Suffolk Three hundred Twenty three pounds & three shillings. For the County of Richmond, Ninety pounds and Seventeen shillings. For the County of West Chester One hundred thirty five pounds & five shillings. For the City and County of Albany, One hundred thirty three pounds & four shillings. For the County of Ulster, One hundred fifty four pounds & Eight shillings. For the County of Orange, Forty five pounds & Six shillings. and for Dutchess County, Eighteen pounds & one shilling.

And be it further Enacted by the Authority aforesaid, that for the better Assessing, raising, Collecting & receiving the said Sum of Three thousand pounds, the Mayor & Aldermen of the City of New York, the Mayor & Aldermen of the City of Albany, with the Justices of the Peace for the time being, for the Several and respective Citys & Countys within this Colony, for which they shalbe Justices of the Peace, do within forty days after the Publication hereof, Assemble & meet together in the Court Houses for the several & respective Citys & Countys, or such other place or places as they shall agree among themselves,

and shall there order that the Assessors & Collectors for the Several and respective Citys, Towns, Mannors, Libertys & Precincts within their Several Jurisdictions for the Assessing & Collecting of the Public rates for the defraying the Public & necessary Charge of each respective City and County aforesaid to be the Assessors & Collectors for the Assessing & Collecting the said Three thousand pounds according to the proportions before Expressed in like manner as the same Public rates are Usually laid Assessed & Collected.

And In case any Mannor, Town, Liberty, or Precinct within the respective Countys, do or shall refuse, neglect, Omit or not Annually Elect or once in the Year Choose Assessors or Collectors whereby the Intent of this Act may be Eluded. It is hereby Enacted by the Same Authority. That then & in such Case the Justices of the Peace for the Countys where such Towns, Mannors, Libertys, or Precincts are, are hereby required, Impowered & Authoriz'd to Nominate and appoint Assessors and Collectors for such Towns, Mannors, Libertys and Precincts, which Assessors & Collectors shall to all Intents & purposes Observe the direccons of this Act as any other Assessors and Collectors are by this Act Oblige'd & enjoyn'd to do.

And be it further Enacted by the Authority aforesaid that the said Mayors, Aldermen & Justices of the Peace for the respective Citys & Countys, have & shall have power & Authority by virtue of this Act & are required any two or more of them or each of them by himself to Administer an Oath to the said Assessors, and any and every of them well, truly, equally and Impartially and in due proportion as it shall appear to them, according to their best understanding to Assess and rate the Inhabitants, Sojourners, residents and Freeholders of the respective places for which they shalbe Chosen, Assessors.

And be it further Enacted by the Authority aforesaid, That if any person or persons who shalbe Chosen Assessors or Collectors in manner aforesaid shall deny, neglect or unequally and Impartially Assess or refuse to make such Assessment as by this Act is required or shall deny, neglect or refuse to Collect any Sum or Sums of money in forme before mentioned, Laid Taxed and Assessed & be thereof Convict before any two Justices of the Peace of the Citys and Countys where such Offendors shall happen to dwell or reside (who are hereby required & Impowered to hear Determine and do the same) shall by Warrant under the hands and Seals of such two Justices of the Peace be Comitted to the Comon Jaile there to remaine without Baile or Mainprize till he or they shall make Fine & Ransome for such Contempt as aforesaid. And if any person or persons of what Degree or

Quality soever he or they shalbe within this Colony who shall refuse, neglect or Delay to pay the Several Sum and Sums or proportions of money appointed by this Act and Assessed in manner aforesaid, for such person or persons to pay upon Demand made by the Collector of the place where such person or persons shall Dwell Inhabit or reside. It shall and may be Lawfull to and for such Collector for nonpayment thereof to distrein such person or persons so refusing, Delaying or neglecting by his or their goods and Chattles and the Distress so taken to keep by the Space of four days at the Costs and Charge of the owner thereof, and if the owner do not pay the said Sum or Sums of money so distrain'd for within the said Four days then the said Distress to be publicly Sold by the said Collectors for the payment of the said money and the overplus coming by the said Sale (If any there be) over and above the Charge of taking, keeping and selling the said Distress to be Immediately restored to the owner thereof.

And also be it Enacted by the Authority aforesaid, That if any Mayor Aldermen or Justice of the Peace within this Colony who are hereby required Impowered and Authorized to take Effectual care that this Act be duly Executed, according to the true Intent and meaning thereof, shall deny, refuse, neglect or delay to do performe and Execute all or any of the powers dutys and authoritys by this Act required by him or them to be done and shall thereof be Lawfully Convict before any of her Matys Courts of Record within this Colony, he or they shall suffer such pains by Fines & Imprisonment as by the Discretion of the Justices of the said Courts shalbe Adjudged.

And be it further Enacted by the Authority aforesaid, That if any Action, Bill, Plaint, Informacon or Indictment shalbe brought, moved, or prosecuted, at any time hereafter against any person or persons for any matter, Cause or thing done or Executed, in pursuance or Execucon of this Act Such person or persons So Sued or prosecuted in any Court w'tsoever shall and may plead the general Issue not guilty, & give this Act & the Special matter in Evidence, and if the plaintiff or prosecutor shalbe nonsuited or forbear further prosecution, Suffer discontinuance or Verdict to pass against him the Defendant or Defendants, shall have treble Costs for w'ch they shall have like remedy as in Case where Costs by Law are given to Defendants.

Provided always that no Mayor, Aldermen or Justice of the Peace shalbe sued, prosecuted, troubled or molested for any omission offence, neglect or mistake of or against this Act, but within ye Space of one year after such omission, offence, neglect

or mistake, Comitted & not at any time thereafter any thing herein Contained to the Contrary notwithstanding.

And to ye end that ye moneys intended by this Act to be raised & Levy'd, may be disposed & apply'd to the use & uses by this Act meant & express'd, to wit, towards the Fortifying the City of New York & to no other use or Intent whatsoever. Be it Enacted by the Authority aforesaid. That Col Abraham De Peyster of the City of New York, be & is hereby Nominated & appointed to be Treasurer for all & Singular the Sum & Sums of money to be rais'd & Levy'd by virtue of this Act & that Capt Lawrence Read, Capt Robert Walters, Capt Robert Lurting, Mr. Robert Darkins, Capt David Provoost, Capt Rd. Willet, and, Mr Barent Reynders or any four of them shall be and are hereby appointed Commissioners to take care that the said Sums of money are laid out paid and disposed accordingly. And that all moneys to be Issued and paid out by the said Treasurer shal be Issued and paid by Warrants under ye hands and Seales of the said Commissioners or under the hands and Seals of four of them at least & to Express to whom for what service or for what Materials in and about the said Fortificacons and not otherwise.

And to the Intent that the Govr be duely Informed of the Occasions of the Commissioners Issuing Warrants, Be it Enacted by the Authority aforesaid, That the Treasurer for the time being shall if thereunto required, on the first Monday of every Month, lay before his Excellency an Account of all such Warrants Issued by the Commrs for the Treasurer to pay any Sum or Sums of money, wherein shall be incerted the persons name, to whom due, or payable, and for what, and how it affects, the Uses and purposes intended by this Act.

And be it further Enacted by the Authority aforesaid that the several Collectors herein this Act before menconed shall pay in the Several Sums of money by them, by virtue of this Act to be Collected and Levy'd to the said Treasurer or to his Deputy and to no other person or persons whatsoever, only retaining to themselves the Sum of Nine pence in the pound for all Such money as they shall so Collect & Levy as aforesaid.

And also that the said Treasurer shall dispose and pay out the moneys so by him to be received by Warrant from the said Commissioners in manner before Expressed & by no other order mandate or Warrants whatsoever, retaining to himself Six pence in the pound for all such moneys as he shall receive & pay under ye penalty of forfeiting thrice ye vallue of such of the said moneys as shall by any of them otherwise be disposed of or paid, to be recovered in any of her Maties Courts in this Colony by Action of Debt, Bill, Plaint or Information wherein no Essoign,

Protection, or Wager of Law shalbe allowed the one half of the said Forfeitures to be to her Maty her heirs and Successors to be apply'd towards the Charges of the Fortifications aforesaid by the said Commissioners or any four of them at ye least, & the other half to be to any person or persons who shall informe & Sue for the same.

And be it also Enacted by the Authority aforesaid that ye said Treasurer on the payment to him of the respective Sums of money Collected & Levy'd by ye Several Collectors, shall gratis give unto the said Collector Receipts for such Sum or Sums of money as shall by them or any of them be paid unto him which Receipts shalbe to the Several Collectors aforesaid a good Sufficient acquittance, Release & Discharge in the Law for so much as in the same Receipts shalbe menconed and Exprest to be received.

And be it also Enacted by the same Authority that ye said Warrants under the hands and Seals of the said Commissioners or four or more of them shalbe to the Treasurer aforesaid a good & Sufficient acquittance, Release and Discharge in the Law for so much as in the same Warrants is mentioned & Expressed to be paid by virtue thereof As also for the payment of any moneys that has or shalbe advanced towards the said Fortifications.

And be it further Enacted by the same Authority That the said Treasurer shall keep a true & Exact Accot of all Such Sum & Sums of money as shall so by him be reced & paid & such accot give & render at all times when required to the Governor Council & Assembly for the time being when sitting and requiring the same.

[CHAPTER 160.]

[Chapter 160, of Livingston & Smith and Van Schaack, where the act is printed in full. Printed in full in Brinley's Bradford, p. 286; Baskett, p. 81.]

AN ACT to Incourage the Baptizing of Negro, Indian and Mulatto Slaves.

[Passed October 21, 1706.]

WHEREAS divers of her Maties good Subjects, Inhabitants of this Colony now are and have been willing that such Negro, Indian and Mulatto Slaves who belong to them and desire the same, should be Baptized, but are deterr'd and hindred therefrom by reason of a Groundless opinion that hath spread itself in this Colony, that by the Baptizing of such Negro, Indian or Mulatto slave they would become free and ought to be sett at Liberty. In order therefore to put an end to all such Doubts and

Scruples as have or hereafter at any time may arise about the same. BE it Enacted by the Governr Council and Assembly and it is hereby Enacted by the authority of the same, That the Baptizing of any Negro, Indian or Mulatto Slave shall not be any Cause or reason for the setting them or any of them at Liberty.

And be it declar'd and Enacted by the Governr. Council & Assembly and by the Authority of the same, That all and every Negro, Indian Mulatto and Mestee Bastard Child & Children who is, are, and shalbe born of any Negro, Indian, Mulatto or Mestee, shall follow ye State and Condition of the Mother & be esteemed reputed taken & adjudged a Slave & Slaves to all intents & purposes whatsoever.

Provided, always & be it declared & Enacted by ye said Authority That no slave whatsoever in this Colony shall att any time be admitted as a Witness for, or against, any Freeman, in any Case matter or Cause, Civill or Criminal whatsoever.

[CHAPTER 161.]

[Chapter 161, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Brinley's Bradford, p. 284. Title only is printed in Baskett, p. 81.]

AN ACT for raising a Fund for the Defence of the Fronteers & other Uses

[Passed October 21, 1706.]

BE it Enacted by the Governour, Council and Assembly and by the Authority of the same, That the Sum of Nine hundred Eighty three pounds and ten shillings, Currant money of New York be Laid, Assess'd Collected and Levy'd on the Estates Real and Personal of all & singular the Freeholders, Inhabitants and Residents in this Colony of New York, according to the rates & Proportions following (that is to say) For the City & County of New York Two hundred thirteen pounds Six shillings and Six pence.

For the City & County of Albany, Sixty Seven pounds & two shillings for Kings County One hundred Forty two pounds twelve shillings and six pence. For Queens County, One hundred Sixty Seven pounds & Six pence. For the County of Suffolk, One hundred Sixty Seven pounds & Six pence. For the County of Richmond Forty five pounds & Nineteen shillings. For the County of West Chester, Sixty Eight pounds, Eighteen shillings and Six pence. For the County of Ulster Seventy Eight pounds fourteen shillings, & Six pence. For the County of

Orange Two & twenty pounds nineteen shillings, and for Dutchess County Nine pounds & Seventeen shillings and that the Same be paid unto the Treasurer hereinafter mentioned, the one half therof on or before the five and twentieth day of March next ensuing & the other half thereof on or before the five & twentieth day of November Seventeen hundred & Seven.

And be it further Enacted by the authority aforesaid, That the Said sum of Nine hundred Eighty three pounds & ten shillings be and is hereby Given and granted unto her Ma'ty her heirs and Successors to be disposed & paid out & apply'd to the Several Uses Intents & purposes in this Act mentioned Set forth Limitted & Express'd & to no other use or uses, Intent or purpose whatsoever (that is to say) the Sum of Six hundred pounds part thereof for Outscouts, Spyes & other Incidentall Charges, towards Securing the Fronteers at Albany and parts Adjacent the Year ensuing. The Sum of One hundred Sixty two pounds thirteen shillings further part thereof for the pay of Captain John Bratt & the Company lately Under his Command who Served as out scouts in the Year, One thousand Seven hundred & four for the preservation and defence of the Fronteers of this Colony & other Incidentall Charges & Twenty five pounds to Capt Abraham Schuyler for his Journey to & Service in the Onondage Country. And the Sum of thirty Eight pounds for the building a Guard roome & Sinking & Sufficiently Stoning a well in the Fort at Schenectady & for Materialls & other Incidents about the same. And the Sum of One hundred pounds part of the said Sum to be paid to Colonel Peter Schuyler towards his Services & Exterordinary Expences to and about the Indians, relating to the Defence of ye Fronteers. And the Sum of Two and a half per Cent for the Treasurer for receiving and paying the same and Nine pence in the pound to the Collectors hereinafter appointed to Collect and pay the same to the Treasurer aforesaid.

And be it further Enacted by the same Authority, That the Treasurer shall give in Sufficient Security to the approbation of William Nicoll Esqr. the present Speaker of this Assembly that he shall well & truly pay & dispose of the moneys by this Act to be raised & Levy'd to the Uses herein mentioned and not otherwise & to render a true Account thereof from time to time to the Governr. Council and Assembly when Sitting and requiring the same.

And be it further Enacted by the Authority aforesaid that Col Abraham De Peyster giving in such Security as aforesaid be and is hereby nominated & appointed to be the Treasurer of all & every the Sum & Sums of money to be rais'd Assess'd, Col-

lected, & Levy'd by virtue of this Act, and that the Commissionrs appointed by his Excellency the Governr for managing the Indian affairs at Albany together with Capt Myndert Schuyler, Mr Henry Renslaer Mr John Cuyler and Capt Peter Van Brughen or the Major part of them shalbe and are hereby appointed Commissioners to take care that the said Several sums of money are apply'd, disposed & paid to the Severall and respective use & Uses in this Act before expressed & to no other use or purpose whatsoever.

And be it further Enacted by the Authority aforesaid that all moneys to be issued & paid out by the said Treasurer by virtue of this Act shalbe issued & paid by Warrants under the hands and Seals of the said Commissioners or the Major part of them at least, which Warants shall express the names of the persons to whom & for what service or for what goods, provisions, materialls or necessarys & not otherwise.

And be it further Enacted by the Authority aforesaid that the said Sum of Nine hundred Eighty three pounds & ten shillings shalbe Laid, Assess'd, Rais'd, Collected Levy'd & paid in such manner by such wayes and means under such restriccons, Regulations, paines, penalties and forfeitures, & with such advantages, priviledges & Exemptions as in & by one certaine Act of General Assembly passed this present Session of Assembly, Entituled, an Act for the raising the Sum of Three thousand pounds towards defraying the Expence of Fortifying the City of New York, is Enacted, Declared, provided & express'd to all Intents, Constructions & purposes whatsoever as if the severall Clauses, provisoes & Limittations in that Act for the better assessing, raising, Collecting, receiving & paying of the said Sum of Three thousand pounds in this present Act of General Assembly were Especially, fully & particularly Incerted setforth, Included & Expressed.

And it is also further Enacted by the Authority aforesaid That the Treasurer hereinbefore named & the Several Collectors for the Collecting & gathering in the moneys herein granted & Intended to be granted shall have & enjoy, such powers, proffits & perquisits & in Such methods, shalbe Exonerated & Discharged, & in like manner shalbe accountable as the Treasurer and Collectors in and by the said Act of Assembly for raising the said sum of Three thousand pounds are to have and are directed & enjoyn'd to all Intents Construccons & purposes wtsoever.

And for as much as some Doubts, Debates, Mistakes & ill Constructions have arisen Concerning the Election & Duty of the Assessors for the City of Albany no Such officer or officers being

mentioned in their Charter & whereas Hendric Hansen and Wessel ten Broeck were on the first Tuesday in Aprill last past elected & Chosen Assessors for the City of Albany for the Year then ensuing by the Freeholders & Freemen of the said City. Be it Enacted by the Authority aforesaid that the said Hendric Hansen and Wessel ten Broeck, shalbe, & are hereby declared to be Assessors for the said City of Albany untill the first Tuesday in Aprill next Ensuing. And that the Freeholders & freemen of the said City of Albany shall within twenty Dayes after the publication of this Act Assemble & meet together & by the Majority of Voices Elect and Choose four other Assessors, which four persons so to be Chosen, together with the said Hendric Hansen & Wessel ten Broeck shalbe intrusted with the powers, do the like dutys & be Subject & lyable unto the same pains & penalties as any other Assessors by the Laws of this Colony are Subject to, ought to perform, & are required and enabled to do, and shall continue in the same office or Station untill the first Tuesday in Aprill next Ensuing at which time Six New Assessors are hereby directed to be Elected & Chosen for the said City & from that time Annually, that is to say, two Assessors for each Ward within the said City of Albany.

[CHAPTER 162.]

[Chapter 162, Livingston & Smith and Van Schaack, where the title only is printed. The act is not printed in any edition of Bradford or in Baskett.]

AN ACT to furnish the Towne Guards at Schenectady in the County of Albany with firewood, & to repair the guard House & gates of that Towne

[Passed October 21, 1706.]

FORASMUCH as the Towne of Schenectady is one of the utmost fronteer Garrisons in this Colony of New York, where every night guards are kept for the Security of the said Towne ye Inhabitants thereof hitherto by turnes have willingly provided the Town guard with firewood and now refuse to continue so, & that ye gates belonging to ye Fortification of the said Town & the said guard House Sometimes requires mending, for ye Supporte thereof the said Towne hath no fund. Be it therefore Enacted by his Excellency ye Govern'r & Council & Representatives Conven'd in General Assembly & it is hereby Enacted that there be laid, Assessed, Levy'd, & Collected on ye Free-

holders and Inhabitants of the said Town & places Adjacent thereto belonging So much firewood as will Supply the guards of the said Town during this present Warr with the French our Enemies, & also to raise the Sum of Tenn pounds Yearly during this said Warr, to repaire ye gates & guard House of the said Towne, which firewood & Sum of money as aforesaid shalbe Assessed by the Assessors of the said Towne and adjacent places as aforesaid for the time being by Warrant under the hands & Seales of the Justices of ye said Towne for the time being, which Assessors are hereby required equally, duly and Impartially to Assess & rate the said Freeholders & Inhabitants for their respective proportions being first sworne Equally, duely and Impartially to make such Assessment before any the Justices of the peace of the said Towne which Assessment being so made shalbe delivered to the respective Collectors of the said Towne & adjacent places thereto belonging who are Impowered to Collect and pay Such Sums of money raised as aforesaid, to such person as the Justices of the said Towne shall appoint Treasurer to receive the Same, and if any person or persons shall refuse delay or neglect to pay the said Assessment or rate of money & firewood as aforesaid, it shall and may be Lawfull for the Collectors aforesaid to Collect & Levy the said money so assessed as aforesaid, & three shillings for each sleed or Waggon Load of firewood by distress on ye Goods & Chattles of the defaulters by Warrant under the hand & Seale of ye said Justices or either of them.

And be it further Enacted by the Authority aforesaid that if the said Justices or either of them the Assessor or Assessors Collector or Collectors or Treasurer as aforesaid shall Deny, refuse delay or faile to perform & Execute all & every or any Clause or Article required in this Act they & each of them so Denying, neglecting, refusing or failing as aforesaid, shall forfeit five pounds Currant money of the said Colony, for every such offence, to be recovered by any person who shall sue for the same; in any Court of Record in the said Colony, and this Act to Continue for and during the terme of three yeares to Commence the first Tuesday in Aprill last and Continue untill the first Tuesday in Aprill Seventeen hundred & Nine any thing herein Contained to the Contrary hereof in any wise notwithstanding

[CHAPTER 163.]

[Chapter 163, Livingston & Smith and Van Schaack, where the act is printed in full. The act is not printed in any edition of Bradford, or in Baskett.]

AN ACT for the better raising, Levying and defraying ye necessary Charge of the Mannor of Renslaerwick in the County of Albany.

[Passed October 21, 1706.]

BE it Enacted by ye Govr Council & Assembly & by ye Authority of the Same, that ye Supervisor for ye Mannor of Renslaerwick in ye County of Albany for ye time being shall yearly & every year with ye other Supervisors of the said County (as according to ye late Act of General Assembly ought to be done) compute all such necessary & Contingent charge as he & they shall find the said County properly Chargeably with, & also shall himself Compute and ascertain the necessary & Contingent Charge that peculiarly hath been, now is, and Annually hereafter shall or may be, in the said Mannor, & the same transmitt under his hand & Seal to the Assessors for the said Mannor & that ye same be Collected, Levy'd and paid in such methods as by an Act of General Assembly Entituled an Act for the better explaining & more effectuall putting in Execucon an Act of General Assembly made in the third year of the reigne of the late King William and Queen Mary, Entituled, an Act for defraying ye publick and necessary Charge through out this Province & for maintaining ye poor and preventing Vagabonds, and one other Act Entituled an Act for defraying the Comon and necessary Charge of the mannor of Renslaerwick in the County of Albany is Enacted, directed and provided.

And be it further Enacted by the Authority aforesaid that the Inhabitants of the said Mannor being Freeholders shall yearly and every year elect and Chuse by Majority of Voices three Assessors and three Collectors to serve for ye Mannor aforesaid who shall have the same power Authority, office and Function and do performe, Execute and Serve and be lyable to the same pains and penalties as other Assessors and Collectors by the Laws of this Colony ought or are intended to have, do performe and are lyable to.

And be it further Enacted by the same authority that for the preventing of all shifts and tricks Contryved to evade the force of this or any former Act, it is hereby Declar'd that the Mannor aforesaid can by no reasonable Construction be intended to be

Divided from the said County, nor that the Charge for killing of Wolves can be laid on the said Mannor only, but is properly Chargeably on the wholl County of Albany aforesaid.

[CHAPTER 164.]

[Chapter 164, Livingston & Smith and Van Schaack, where the title only is printed. The act is not printed in any edition of Bradford, or in Baskett.]

A BILL to enable the Mayor, Recorder, Aldermen and Comonalty of the City of Albany for the time being to raise moneys for defraying their public and necessary Charges Annually

[Passed October 21, 1706.]

IN order that the City of Albany may be enabled to defray the public necessary Charges thereof. Be it Enacted by the Governor, Council & Assembly & it is hereby Enacted by the Authority aforesaid. That it shall & maybe Lawfull for the Mayor, Recorder, Aldermen & Comonalty of the said City for the time being in Comon Council, Conven'd & Assembled or Such Members of them as do make up a Comon Council, once in every Year or oftener, if there shall be occasion during the time and Space of three Yeares to Comence from the fourteenth day of October Instant at such time and times in the month of June in every Year they shall think fit to order the raising such Sum and Sums of money not exceeding the Sum of Sixty pounds in every year by a Tax upon the Freeholders, Inhabitants, Residents & Sojourners of & in the said City as they or the Major part of them shall agree to be necessary for defraying the public Charge of the said City, as also to Tax for raising new Stocadoes for the said City and repairing the same as Occasion shall require together with firewood for the Militia Guards of the said City, for the terme of three Yeares as aforesaid pursuant to which order the Mayor or Recorder of the said City for the said City for the time being shall forthwith thereupon issue his Warrants to the Assessors and Collectors for the time being of each Ward respectively, requiring them to make such Assment and Collections and to pay the same to the Treasurer of the said City for the time being in Such Convenient times respectively for the Assessment and payment thereof as shalbe agreed upon by the said Mayor, Recorder, Aldermen and Comon Council or the major part of them which said Sum or Sums of money shall by the said Treasurer be paid to the uses aforesaid and accounted for in Such manner & forme, as other public moneys have been

in the hands of other former Treasurers of the said City. And be it further Enacted by the authority aforesaid that if any person or persons shall neglect or refuse to pay any Sum or Sums of money whereat he or they are rated or Assessed by virtue of this Act that it shall be Lawfull for the Collector thereof to Collect & Levy the same by distress and Sale of their goods & Chattles with reasonable Charges of distraining returning the overplus to the owner. And be it further Enacted by the Authority aforesaid that the Treasurer and the Collectors herein menconed shall each have and receive Six pence in the pound out of the moneys Collected and paid by them respectively by virtue of this Act. And be it further Enacted by the Authority aforesaid, that the said Assessors, and the Supervisors and Assessors for the City and County of Albany for the time being shall be and are hereby Obliged to do and performe their respective dutys gratis.

[CHAPTER 165.]

[Chapter 165, Livingston & Smith and Van Schaack, where the title only is printed. The act is not printed in any edition of Bradford, nor in Baskett. It expired October 24, 1709.]

AN ACT for regulating the Inner Fences of Land in the County of Albany.

[Passed October 21, 1706.]

For preventing of the disputes that do often happen in the County of Albany between the Inhabitants concerning the damages done by Cattle and horses Occasioned by the insufficiency of Fences between their respective Lands. And whereas some persons in the said County do wholly refuse to make such fences and others do neglect to mend the same on their respective part thereof. Be it Enacted by the Governor, Council, & Assembly, and by the Authority of the same that all the Fences between the respective Lands and fences within the County of Albany already made & from & after the first Day of May in the Year of our Lord 1707 to be made or to be mended shall and are to be of the height of four foot and a half good & sufficient against horses & other Comanable Cattle, Sheep, & hoggs only excepted for which the Respective Owner or Owners are to make good & sufficient Fences att their proper Cost and Charges as if this Act had not been made any thing herein contained to the Contrary hereof in any wise notwithstanding and be it further Enacted by the Authority aforesaid that all and every the Inhabitants of the said County of Albany respectively in the severall parts of the said County where their Lands & Plantations do ly And where

such fence and fences as by this Act are directed are not made are hereby permitted to give Notice thereof unto such of his or their respective Neighbour or Neighbours who border or joyn upon him or them to make or mend his or their Proportion of the fence or fences necessary & requisite between him or them According to the Quantity of Lands so bordering or Joyning together to make up or mend his or their proporcon thereof on or before the first Day of May in the Year 1707 aforesaid provided such Notice be given in the presence of One or more Witnesses at any Day in the Last Week of the month of December now next Ensuing And if any person or persons upon such notice as aforesaid shall and do not on or before the said first day of May aforesaid make or cause to be made mended or cause to be mended his her or their proporcon of the Inner fences aforesaid in manner aforesaid he or they shall forfeit for every such offence the Sum of fourty Shillings Currant mony of this Province to be Recovered Employed and Levyed as in this Act is hereafter declared And be it further Enacted by the Authority aforesaid that if any person or persons who shall at any time hereafter be convicted of the offence aforesaid, & shall & do not within fourteen Days next & after such Conviction make or cause to be made mended or Cause to be mended his her or their proporcon of the fences aforesaid in manner aforesaid that then & in such Case upon Complaint & proof made thereof before any two Justices of the peace of the said County One whereof to be of the Quorum who are hereby Empowered by Warrant under their hands & Seals to Committ such party or partys to the Common Goal of the said County there to be & remaine without Bail or Mainprize untill such time his or their proporcon of the fence or fences shall & be made or mended in manner aforesd And be it further Enacted by the Authority aforesaid that ye same manner & Method for the making & mending of Inward fences be from Year to Year continued in the said County under the same forfeitures & pains & under the same directions as is hereinbefore declared Be it allways provided that the forfeitures arising by this Act be levyed from time to time on the Offender or Offenders by the respective Constable Mannors Towns Jurisdictions & precincts of the sd County and be imployed for the Defraying the necessary Charge of the Respective Mannor Town Jurisdiction or precincts where the offence shall happen to be committed, and if any doubt do arise concerning the sufficiency or insufficiency of the Fences aforesaid it shall and may be Lawfull for any two of her Majestys Justices of the Peace by Warrant under their hands & Seales to appoint two of the Neighbourhood to view the same

and make their report of the Matter within three Days then next Ensuing which persons are to receive each Six Shillings P Diem to be paid by the Offender whose fence shall be wanting or be insufficient or els be paid by the party making such Complaint PROVIDED that this Act shall not debarr any person or persons in the County to bring his or their Action or Actions at law for damages suffered and hereafter to be suffered and Sustained by the insufficiency or want of such Fence or Fences as aforesaid or by any unruly horses or Cattle wtsoever And be it further Enacted by the Authority aforesaid that the Court of quartr Sessions of the peace for the said County be and are hereby impowered and Directed at their next meeting at the Charge of the said County to cause to be made at such place or places as to them shall seem meet as many Pounds as they shall think fitt for pounding of Cattle as shall be found doing of hurt or Damage in the said County And cause every of them to be under the direction of a Constable who is to receive for his fees for every horse Mare or Colt three Shillings for every head of neat Cattle three shillings for every Calf nine pence for every Sheep Eighteen pence for every hogg Eighteen pence to be paid by the party whose inner fence shall be found insufficient According to this Act or els by the Complaint any Law Usage or Custom to the contrary hereof notwithstanding.

PROVIDED always that this Act shall be in force and continue for three Years and no longer any thing herein contained to the Contrary hereof in any wise notwithstanding.

THE ELEVENTH ASSEMBLY.

First Session.

(Begun Aug. 19, 1708, 7 Anne, Edward, Lord Cornbury, Governor.)

[CHAPTER 166.]

[Chapter 166, Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Brinley's Bradford, p. 300. Title only is printed in Baskett, p. 93.]

AN ACT for Raising a Fund for presents to the five Nations and for the Defence of the Frontiers.

[Passed September 18, 1708.]

Be it Enacted by the Governour Council and Assembly, And by the Authority of the same That the sum of Twelve hundred pounds Currant money of the Colony of New York be Laid,

Assessed, Collected and Levyed on the Estates Real and personal of all and Singular the Freeholders, Inhabitants and Residents in this Colony according to the Rates and proportions following (that is to Say) For the City and County of New York Two hundred & Sixty pounds four Shillings and three pence For the City and County of Albany Eighty One pounds Sixteen Shillings and Nine pence For Kings County One hundred and Seventy four pounds For Queens County Two hundred and three pounds Eighteen Shillings For the County of Suffolk Two hundred and three pounds Eighteen Shillings and one penny For the County of Ulster Ninety five pounds Nineteen Shillings For the County of West Chester Eighty four pounds One Shilling and ten pence For the County of Richmond fifty Six pounds One Shilling and three pence For the County of Orange Twenty four pounds For Dutchess County Sixteen pounds and ten pence.

And that the same be paid into the hands of Colonel Abraham De Peyster nominated and appointed Treasurer of this Colony on or before the Twenty fifth of March next Ensuing.

And be it further Enacted by the Authority aforesaid, That the said Sum of Twelve hundred pounds be and is hereby given and Granted to Her Majesty her Heirs and Successors to be Disposed paid and applied to the Sundry uses purposes and Intents, expressed Limitted and appointed by this Act and to no other use and purposes whatsoever. That is to say four hundred & fifty pounds part thereof to be Laid out in good goods Suitable and proper to be presented and given to the ffive Nations and Schagkook Indians to Encourage them to Continue their Obedience and Loyalty to Her Majesty her heirs and Successors and the Sum of Two hundred pounds part thereof be paid by the said Treasurer to Colonel Peter Schuyler Mr Evert Banker, Mr John Abeel, Mr Hendrick Hensen and Mr Hendrick Van Renslaer who or The Major part of them are hereby appointed Commissioners to Direct that the said Sum of four hundred & fifty pounds be Disposed and apply'd for presents as aforesaid and the said sum of Two hundred pounds be Dispos'd and paid as the Major part of them shall appoint to the Severall and Respective use and uses of Spies and Incidentals relating thereunto and to no other use and purpose and to be issued by Warrants under the hands and Seales of the said Commissioners appointed by this Act, or the Major part of them to every of which Warrants shall be annexed a true and perticuler Account of the Names of the Person to whom, for what Service, Goods, provisions, Materials and necessaries. And for the better Securing the Frontiers aforesaid the Sum of five hundred pounds is hereby appropriated for the pay and Incidental Charge of Sixty Effective men their

proper officers included Vizt One Captain two Leiutenants three Serjeants three Corporalls and one Drum for five Months to be posted on the ffrontiers at or neer Albany from the Twentieth Day of October next Ensuing untill the Twentieth Day of March next following and no Longer And that the said Sixty Men be Detacht and drawn out of the Severall Counties within this Province Except the Counties of Albany and Ulster in proportion according to the Number of men in each County, Excepting that his Excellency do please to appoint a Captain at Albany of the said men And that the sum of fifty pounds being the Remaining part of the said Sum of Twelve hundred pounds be paid to Colonel Peter Schuyler towards his Services and Extraordinary Expenses to and about the Indian affairs relating to the Defence of the Frontiers for the year Ensuing, whose Receipt to the Treasurer shall be his Warrant and Discharge for the Same.

And be it Enacted by the Authority aforesaid that on the Detaching of any man of the Militia in this Colony for the Service before mentioned the Colonel or other Comission officer in the Colony or precinct where any man or men shall be so Detacht shall and is hereby Required gratis and without Delay at the Request of the person or persons so Detacht to give under his hand a Certificate of the time such man or men are Detacht, which Certificate and also a Certificate from the Captain to be Commissioned by his Excellency for this Service and who Likewise on the Request of such person or persons is hereby Required gratis and with out Delay to give the Same of the Duty and Service by this Act intended to be performed shall be a Sufficient Warrant and Authority To the Treasurer aforesaid to pay and Sattisfy the pay and moneys by this Act so raised and Levyed for such Service and shall be to him a Sufficient Discharge for the same. And that a Certificate from the Commissioners aforesaid or the Major part of them shall be in Like manner of the same force for the payment of the Captain and two Leiutenants to be Commissionated for the Comand of the men to be Raised and posted as aforesaid.

And be it further Enacted by the Authority aforesaid, That the said sum of Twelve hundred pounds shall be Laid Assessed, Raised, Collected, Levyed and paid in such manner by such ways and means, under such Restrictions, Regulations, paines, penalties and forfeitures, and with such advantages, priviledges, and Exemptions as in and by one certain Act of Assembly, Entituled an Act for raising the sum of Three thousand pounds towards defraying the Expence of ffortifying the City of New York is Enacted, Declared provided and Expressed to all Intents Con-

structions and purposes whatsoever, as if the Severall Clauses Provises and Limittations in the said Act were herein fully and particularly incerted, included and expressed.

And moreover Be it Enacted by the Authority aforesaid that over and above the Respective Sums before Enacted and appointed to be paid by the Severall Citys and Countys in this Colony before exprest they Shall by Virtue of this Act be assess'd Raised, Collected and Levyed the Sum of One Shilling and three pence per pound to be Disposed and applyed, Nine pence per pound to the Collector Respectively and Six pence per pound to be paid into the Treasurer aforesaid.

[CHAPTER 167.]

[Chapter 167, Livingston & Smith and Van Schaack, where the act is printed in full. Printed in full in Brinley's Bradford, p. 294; Baskett, p. 88. Livingston & Smith and Van Schaack, and Baskett state that the act was confirmed by the Crown, December 15, 1709. Révived by chapter 314.]

AN ACT for Encouragement of Whalling.

[Passed September 18, 1708.]

BEE it Enacted by the Governour Council and Generall Assembly And it is hereby Enacted by the Authority of the Same that hereafter any Indian that is Bound to go to Sea a Whale fishing shall not at any time or times between the first Day of November and the fifteenth Day of Aprill following yearly bee sued Arrested Molested Detained or kept out of that Employment by any person or persons whatsoever pretending any Contract Bargain Debt or Dues unto him or them Except and only for or Concerning any Contract Debt or Bargain Relating the undertakeing and Designe of the Whale fishing and not otherwise under the Penalty of paying treble Costs to the Master of any such Indian or Indians so to be sued arrested Molested or Detained.

And be it further Enacted by the Authority aforesaid That if any person or persons shall purchase take to pawne or any ways gett or Receive any Cloathing Gun or other necessaries that his Master shall Lett him have from any such Indian or Indians or Suffer any such Indian to be Drinking or Drunk In and about their Houses, when they should be at Sea or other business belonging to that Designe of Whale fishing or shall Carry or Cause to be Carried any Drink to them whereby such Indians are made uncapable of Doing their Labour and Duty in and about their masters Service between the first Day of November and the fifteenth of Aprill following He She or they so offending besides Restoring to such master such Cloathing

Gun or other necessaries shall forfeit and pay to the master of such Indian or Indians the Sum of Thirty Shillings, Current money of New York to be Recovered before any Justice of the Peace in the County where such offence Shall be Committed who is hereby Authorized and empowered to hear and Determine the Same and thereupon to award Execution the one half of such fforfeitures to be to the master of such Indian or Indians and the other halfe to the use of the County where such Prosecution shall be made This Act to Continue and be of force for and Dureing the Space and Term of Seaven years from the Publication hereof.

[CHAPTER 168.]

[Chapter 168, Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Brinley's Bradford, p. 307. Title only is printed in Baskett, p. 93. See chapter 157. Revived by chapter 193.]

AN ACT for Reviving an Act of General Assembly Entituled an Act for the better Setling the Militia of this Province & making it more usefull for the Security and Defence thereof.

[Passed September 18, 1708.]

BE IT Enacted by the Governour Council and Assembly and it is hereby Enacted by the Authority of the same. That one Act of General Assembly, Entituled, an Act for the better Setling the Militia of this Province & making it more Usefull for the Security & Defence thereof made in the first Year of the Reign of her present Maty expir'd by its own Limittation, shall be & is hereby Enacted by the Authority aforesaid to be of force for & during the Space & terme of one Year from the first day of September in this present Year, One thousand Seven hundred & Eight and no longer.

BE it further Enacted, & it is hereby Enacted by the Authority aforesaid, That for & during the time aforesaid, All persons by the said Act Exempted from being listed in the Militia Companies of the City of Albany and all other person or persons who have heretofore born any Office Civil or military within the said City (the Justices of the Peace for the time being only Excepted) be with all speed Listed into one Company under the Command of such Officer and Officers as his Excellency shall think fitt to appoint, which said Company is hereby ordered & directed to take its respective turn in mounting and keeping the Night Guards in the said City, and all persons to be Listed therein, are hereby made lyable to the same, & like Fines & Forfeitures as other the Militia Companies in the said City &

County by the said Act are made Lyable unto, they yet remaining Free & Discharged of all other Military Services Cases of Alarms Excepted.

AND be it further Enacted by the Authority aforesaid, That in Cases of Alarm, the Justices of the Peace within the said City & County & not being military Officers are to Join themselves to the said Company for the Comon defence of the said City & County on the Penalty as for neglect of such Duty, as by the said Act is appointed

AND be it further Enacted, by the Authority aforesaid that every Militia Officer within the said City, who shall be absent from the Militia Watch in his respective turn, or shall not stay there all the Night (Sickness Excepted) shall for every such offence forfeit the Sum of Six Shillings Currant money of New York to be Levyed by Distress on the Offendors Goods & Chattles by Warrant under the hand & Seal of any one of the Field Officers within the City & County, to be applyed to the uses in the said Act directed, The said Act or any other Law, Usage or Custome to the Contrary hereof in any wise notwithstanding.

[CHAPTER 169.]

[Chapter 169, Livingston & Smith and Van Schaack, where title only is printed. Printed in full in Brinley's Bradford, p. 289; Baskett, p. 84. Expired, September 18, 1710. Livingston & Smith and Van Schaack, state that it was supplied by an act of Parliament.]

AN ACT for ye Encouragement of the Post Office within this Province.

[Passed September 18, 1708.]

WHEREAS the Publick Post-Office within this City of New York hath been found by Several yeares experience to be very advantagious to this Province in the Carrying and Recarrying Letters and other Dispatches with Speed and Safety, whereby a Mutual Correspondency amongst all our Neighbouring Colonies and Plantations hath been maintained, and Trade and Commerce been preserved; To the end therefore that the Same may be so mannaged and Encouraged, that Speedy and Safe Dispatches may be had, which is most Likely to be effected by Ascertaining and establishing such Rates and sums of money upon Letters and pacquets that shall be Received and Dispatched by ye said Office, as may effectually encourage the Same, Be it therefore Enacted by the Governour, Council and General Assembly, and by ye Authority of the Same, That the said General Post Office shall Remain, Continue and be in some Convenient Place within the Citty of New York, from whence all

Letters and pacquets whatsoever may be Dispatched with Expedition into any part of our Neighbouring Colonies and Plantations on this Main Land and Continent of America, or to any other of her Majestys Kingdoms and Dominions beyond the Seas, att w'ch said office all Returns and answers may be Likewise Received; and that there shall be one post-Master General of the said office, from time to time appointed or Deputed by her Majestys post-master General, for the time being, in the Kingdom of Great Britain, which said Post-master General for the time being, his Deputy or Deputies, Servants and Agents by him thereunto Sufficiently Authorized, and no other person or persons whatsoever, shall from time to time have the Receiving, takeing up, ordering, Dispatching, sending post or with Speed, and delivering of all Letters and pacquets whatsoever, which shall from to time be sent to and from all and every the adjacent Colonies and Plantations on this main Land and Continent of America, or any other of her Majesties Kingdoms and Dominions beyond the Seas, where he the said Post-Master General shall Settle, or Cause to be Settled, Posts or Runing Messengers for that purpose, Except such Letters of Merchants and Masters which shall be sent by any masters of any Shipps, Barques or other Vessels of Merchandize, or by any other person Imployed by them, for the Carriage of such Letters aforesaid, according to the Respective Directions, and also except Letters to be sent by any Private ffriend or ffriends in their Ways and Journeys, or Travel, or by any Messenger or Messengers sent on purpose for or Concerning the Private Affairs of any person or persons. And be it further Enacted by the Authority aforesaid, That it shall and may be Lawful to and for such Post-master General to be Constituted and appointed, as aforesaid, and his Deputy or Deputies by him thereunto Sufficiently Authorized, to Demand, have, Receive and take for the portage and Conveyance of all such Letters which he shall so Convey, Carry or send Post, as aforesaid, according to the Several Rates and sums of Currant Money of this Colony hereafter mentioned, not to exceed the same, that is to say, For the port of every Letter, not Exceeding one Sheet, from Europe, the West-Indies or else-where beyond the Seas, Four pence half penny Currant money aforesaid; All Merchants Accounts not above a Sheet, bills of Exchange, Invoices & bills of Lading shall be allowed without Rate in the price of the Letters; and also, the Covers of the Letters, not Exceeding a Sheet of paper, from any places beyond the Seas. And for the port of every pacquet of Letters, Nine pence. And for ye port of every Letter not Exceeding one Sheet from Boston to New-York, or from Mary Land to New-York, Nine pence Currant

money aforesaid. And for the like port of every Letter not Exceeding two Sheets, Eighteen pence. And for ye Like port of every pacquet of Letters, or other thing whatsoever, Eighteen pence for every ounce Troy-weight. And for the port of every Letter not exceeding one Sheet, from Virginia to New-York, Twelve pence Currant money aforesaid. And for ye like port of every Letter not exceeding two Sheets, two Shillings Currant money aforesaid. And for ye Like port of every pacquet of Letters, or otherthing whatsoever, Two Shillings for every Ounce Troy weight. And for ye Port of every Letter not exceeding one Sheet to or from any place, not exceeding Eighty Miles distant from New York, four pence half penny Currant Money aforesaid, and for the like port of every Letter not exceeeding two Sheets, Nine pence Currant Money aforesaid. And for ye Like port of every pacquet of Letters, or other thing whatsoever, Nine pence for every ounce Troy weight. And for the more effectual encouragement of ye said General Post office, Be it further Enacted by ye Authority aforesaid, That all ye Respective Post-masters that shall be Settled in ye Respective Stages for the purpose aforesaid, throughout the Province, shall, during the Space and time that this Act shall be in force, be freed and exempted from Excise and all publick services whatsoever, except the post-master of the City of New York, who is only exempted from Publick Services. And be it further Enacted by ye Authority aforesaid, That no person or persons whatsoever, or body Politick or Corporate, other than the Post master General aforesaid, shall presume to Carry, Re-carry or deliver Letters for Hire, other than as before excepted, or to set up or imploy any foot Post, horse or pacquet, Boat whatsoever, for ye Carrying, Conveying and re-carrying of any Letters or Pacquets by Sea or Land within this Colony, or Shall provide and maintain horses and furniture for the Horseing of any through Posts, or persons Riding Post, with a Guide and Horn, as is usual in her Majestys Realm of England, upon pain of forfeiting the sum of one hundred pounds Currant money aforesaid for every Severall offence against the Tenor of this present Act to be sued and Recovered in any Court of Record within this Province By Bill plaintt or Information wherein no Essoyn protection or wager of Law shall be admitted one third of ye sd forfeiture to the Governour one third to the use of the Colony to be paid to ye Treasurer for ye time being and the other third to the Informer who shall sue and prosecute the same. Be it further Enacted by ye Authority aforesaid that all Letters and Pacquetts that by any master of any Ship or Vessell or any of his Company or any Passengers therein shall or may be brought to this Port of

New York other than such Letters as are before Excepted shall by such master Passenger or other person be forthwith Delivered unto the Post master of New York for the time being or unto his Servant or Servants and by him or them to be Delivered According to the Severall and Respective directions of the same. Provided that no Letters going up or comeing down Hudsons River and going to or from Long Island Shall be Carryed to the Post Office any thing herein Contained to the Contrary hereof notwithstanding. And be it further enacted by the Authority aforesaid that no person or persons whatsoever or body pollitick or Corporate other than such post master Generall as shall be nominated and appointed as aforesaid, his Deputy and Deputies or Assignes shall presume to Carry recarry and Delivere Letters for Hire other than as before excepted or to sett up or Imploy any foot post, horse post, Coach post, or pacquett boat whatsoever, for the Conveyance carrying and recarrying of any Letters or pacquett by Land or water within this her Majestys Colony of New York or shall provide and maintain Horses and ffurniture for Horseing of any through posts or persons rideing in post with a Guide and horne as usuall for hire, upon paine of forfeiting one hundred pounds Currant money of this Colony for every Severall offence against the Tennor of this present Act and also for the forfeiture of the sum of Twenty pounds of like money for every weeks time any offendor against this Act shall Imploy maintaine and Continue any such foot post, horse post, Coach post or pacquett boat as aforesaid, which said Severall and Respective fforfeitures shall and may be Sued for and Recovered by Action or Actions of Debt plaint or Information in any of her Majestys Courts of Record within this Province wherein no Essoine priviledge, protection, or wager of Law Shall be admitted, and the said Severall and respective forfeitures that Shall happen from time to time to be Recovered shall be and remaine one Third part to the Governour one Third part to the use of the Colony to be paid in to the Treasurer for the time being and the other third thereof to such person or persons who shall or will Informe against the Offendor or Offendors against this present Act, and Shall or will sue for the said fforfeitures upon the same. Provided always that this present Act Doe and Shall Continue in force from the publication hereof for and dureing the Space of two years and no Longer any thing to the Contrary hereof in any wise notwithstanding.

[CHAPTER 170.]

[Chapter 170, Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Brinley's Bradford p. 291. Title only is printed in Baskett, p. 87. Livingston & Smith and Van Schaack state that the act was confirmed by the Crown, December 15, 1709. Expired in 1713. Revived by chapter 277. Repealed by chapter 547.]

AN ACT to prevent Damages by Swine in the County of West Chester, Queens County & the County of Richmond.

[Passed September 18, 1708.]

BE it Enacted by the Governour Council and Assembly and by the Authority of the same, That within the County of West Chester, Queens County and the County of Richmond, from and after the first day of March now next Ensuing, no Swine small or great shall or do run at Liberty in the streets Meadows or undivided or Comon Land or within their Neighbours Feilds or Enclosures upon any pretence or Execuse whatsoever under penalty, That it shall & may be Lawfull for any person or persons who shall find any Swine at Liberty as aforesaid after the first day of March either in the Streets Meadows Comon or undivided Lands, or the Feilds or Enclosures of any person except the Feilds and Enclosures of the Owners of the said Swine, to take the said Swine & them to Impound in any Pound in the said Town or Precinct where they shall be taken, there to remaine untill the Owners or Owners of such Swine shall pay and sattisfy for the first Offence the Sum of Nine pence Lawfull money of this Colony for each Swine so found and Pounded to him who shall take impound & keep the same, & for the second offence & every offence after the sum of three shillings to be paid in manner aforesaid. And in case it shall so happen that after Eight & Forty hours notice of such Impounding the Owner or Owners of such Swine shall or will not redeem his or their Swine by paying the penalties aforesaid. That then it shall & may be Lawfull for the person & persons so taking & Impounding such Swine to expose the same to open Sale to the highest bidder & the money arriseing from such Sale to dispose of the one half to his own propper use, & the other to the Overseers for the use of the Poor of the Town or Precinct where Such Swine shall be taken & Impounded.

And be it further Enacted by the same Authority that it shall & may be Lawfull for every Man to make a Pound within & upon his own Grounds, & that this Act shall in no ways Barr or exclude any man from his Damages done by any Swine, but that

the same may be had & recovered, as if this Act had never been made.

Provided always that every & all Act and Acts heretofore made to remedy Damages done by Swine be and continue in their full force any thing in this Act notwithstanding, & that this Act shall remaine in force for the Space of Five Years from the said first day of March only.

[CHAPTER 171.]

[Chapter 171, Livingston & Smith and Van Schaack, where the act is printed in full. Printed in full in Brinley's Bradford, p. 296; Baskett, p. 89; Livingston & Smith and Van Schaack and Baskett state that the act was confirmed by the Crown December 15, 1709.]

AN ACT for Suppressing of Immorality.

[Passed, September 18, 1708.]

Whereas Prophainness and Immorality have too much abounded within this Colony to ye Shame of Christianity, and the great grief of all good and Sober men, for the Suppressing whereof for the future. Be it Enacted by the Governour Council and Assembly now met and assembled, and by the Authority of the Same, that all Christians whatsoever within this Province, who shall be Convicted of Drunkenness, Cursing or Swearing by the Information of Every Constable within their Respective precincts, or of any other person whatsoever before any one of her Majesties Justices of the Peace of the City or County where such fact is Committed, by the Confession of the Offender, or the Oath or Attestation of one Credible Witness (which every Justice of the Peace is hereby Authorized to Administer) every person so Convicted Shall be fined by the said Justice of the Peace for Drunkenness Cursing or Swearing, in the Sum of three Shillings money of the Province of New York for each offence, all which fines to be Immediately Levyed upon the offenders Goods and Chattles by the Constable aforesd by warrant from the said Justice of the Peace, and for want of Effects to make such Distress the said Constable by Warrant from the said Justice of the Peace, shall Commit the offender to the Stocks for the Space of four hours, for Drunkenness, and two hours for Cursing or Swearing And each Distress so made as above said to be by the said Constable Sold at a public Out Cry (unless Redeemed by paying the fine withinn three days) and after full payment of Said fine the Overplus if any be) shall be returned to the owner; and all such fines to be by the Constables aforesaid Immediately paid to the Overseers for the Poor of the s'd City or County where such fact is Committed for the use of

the Poor of that City or County for all which fines the Overseers of the poor Shall be Accountable Yearly to the Justices in their Generall Quarter Sessions of the Peace And every Negro, Indian or other Slaves: That shall be found gillty of any of the above-said facts or talke Impudently to any Christian Shall Suffer So many Stripes at some publick place as the Justice of the Peace in such place where such offence is Committed Shall think fit: not exceeding forty Any Law Custome or usage to the Contrary hereof in any ways not withstanding.

[CHAPTER 172.]

[Chapter 172, Livingston & Smith and Van Schaack, where the act is printed in full. Printed in full in Brinley's Bradford, p. 292; Baskett, p. 87. Livingston & Smith and Van Schaack, state that the act was confirmed by the Crown, December 15, 1709. Repealed in part by chap. 261. Further provided for by chapter 316.]

AN ACT for the more Effectuall preservation of Deer and other Game and ye Destruction of Wolves Wild Catts and other Vermin.

[Passed, September 18, 1708.]

BEE it Enacted by the Governour Councill and Generall Assembly and by the Authority of the Same That from and after the Publication hereof Whatsoever person or persons ffree Man or Slave Christian or Indian shall Destroy or kill any Wolve or Wolves, or their Whelp or Whelps, any Wild Catt or Wild Catts, their Catling or Catlings any Fox or Foxes their Puppy or Puppyes and Squerells Crowes and Black Birds or their young Ones in the Countyes of Suffolk Queens County and Kings County shall have and Receive as a Reward for each Wolfe so Destroyed and Killed the Sum of ffive pounds Current money of this Colony; and for every such Whelp under a year Old so Destroyed and Killed the sum of ffifty Shillings Current money aforesaid; And for Each Wild Catt and Fox the Sum of three Shillings and for each their Catlings puppies or Cubs Eighteen pence and for each Squerell three pence and for Each Crow three pence and for every their Young Ones two pence and for Black birds after the Rate of four pence half penny the Dozen and their Young ones three pence the Dozen And that in the County of Richmond for Killing Wild Catts, Foxes, Crows and black birds and their Young Ones the like price and Reward above mentioned

And for ye more effectual payment of ye said Rewards Bee it Enacted by the Authority aforesaid that the same Rules Courses and Methods fforfeitures and penalties be had and used in all and every Respect as are Enacted mentioned and Expresst in an Act made in the first year of her Majesties Reign Intituled An Act for Destroying of Wolves within this Colony

And for the preservation of Deer and other Game within the Countyes of Suffolk Queens Count and Kings County aforesaid Be it Enacted by ye Authority aforesaid That whosoever within the Countys last above mentioned Christian or Indian ffreeman or Slave after the Publicacon hereof shall kill or Destroy any Buck Doe or ffawne, or any sort of Deer whatsoever, any Wild Turkeys, heath hens, Partriges or Quailes their Eggs or young Ones at any time of the year except the times and Seasons herein after mentioned and Exprest, That is to Say for Deer between the first day of August and the first day of January and for Turkeys, Heath hens Partriges and Quailes between the first day of August and the first day of Aprill shall fforfeit and pay for every such Buck Doe ffawne or other Deer so Killed or Destroyed as aforesaid the sum of Thirty Shillings Lawfull money of New York or in default thereof Suffer Imprisonment for the Term and Space of Thirty Days without Bail or Mainprize, unless within that time he or they pay the fforfeiture aforesaid. and for every Wild Turkey, Chicken or Egg killed or Destroyed as aforesaid the Sum of five shillings like Current money aforesaid or in Default thereof Suffer Imprisonment for the Space of five days as abovesaid And for every Heathen, Partrige or Quail their Eggs or young Ones so Killed or Destroyed as abovesaid the Sum of two Shillings and Six pence or two Days and one halfes Imprisonment as aforesaid; one half of all such fforfeitures shall be to him who shall prosecute and sue for the Same before any One of her Majestys Justices of the peace where such offence shall be Committed, who is hereby Authorized Impowered and Required to hear and Determine the same And the other halfe to the Poor of the Respective County where any person or persons shall be of such offence Convicted.

And for the better Convicting of the Offenders in all or any the Cases abovesaid Bee it Enacted by the Authority aforesaid That whatsoever person or persons with whom shall be found or Shall Expose to Sale any green Deer Skins, ffresh Venison or Deers fflesh, Wild Turkeys, heath-hens, Partridges or Quailes, their Eggs or young Ones, at any other time of the year than what is before Excepted, shall be held, Deemed and Judged Guilty of the said offence, and be thereof Convict, unless he or they shall prosecute and Convict some other person to have done the same; and that the same green Deer skins, ffresh Venison or Deers fflesh, Wild Turkeys, Heath-hens, Partridges or Quailes, their Eggs and young Ones, so found as aforesaid, or any other probable Circumstance, at the Discretion of the Justice before whom such offence shall be tryed, shall be held to be good Evidence in the Offences aforesaid.

And Bee it ffurther Enacted by the Authority aforesaid that if any Justice of the Peace shall neglect or Refuse to hear and Determine any of ye Cases aforesaid according to the Rules and Directions before mentioned every such Justices of ye Peace so Neglecting or Refusing as abovesaid shall fforfeit for every such Neglect or refusall the sum of Three pounds Lawfull money of New York aforesaid to be Recovered in Any Court of Record or other of her Majestys Courts within the same County where such Justice of the Peace doth belong the one half whereof to him who shall prosecute and sue for the Same and the other half to the Treasurer of the County where the said offence shall be Committed and prosecution made to and for the use of the Same County Provided that Nothing herein Contained is intended or shall be Construed to Repeal or alter one Certain Act of Assembly made for the preservation of Deer in ye year of our Lord 1705 Saving the fforfeiture for Destroying of Deer But the Same Act in every other part thereof is hereby Confirmed Provided always that the whole Reward for Destroying of Wolves and their Whelps is Declared and Intended to be only five pounds for a grown Wolf and Fifty Shillings for each Whelp in the whole the said Act made in the first year of her Majestys Reign for Destroying of Wolves notwithstanding.

[CHAPTER 173.]

[Chapter 173, Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Brinley's Bradford, p. 295. Title only in Baskett, p. 89. Livingston & Smith, Van Schaack, and Baskett state that the act was repealed by the Queen, March 3, 1708. For copy of veto, see Doc. Rel. to Col. Hist. of N. Y., V, p. 71.]

AN ACT for the Regulating and preventing the Corruption of the Currant Coyn.

[Passed October 6, 1708.]

For Prevention of the Corruption of the Coyn Usually Currant within this Colony. Be it Enacted by the Governour Council and Assembly and by the Authority of the same That from and after the Publication of this Act none of the Severall Coyns herein after mentioned shall be paid Received or taken but at the Rates and Value herein Limitted and Exprest and no otherwise That is to say All Spanish half Ryals fair unclipt and no manner of way defac'd at four pence half penny each All Spanish Ryalls fair unclipt and in no manner of way defac'd at Nine pence. All Spanish Double Ryalls not Clipt nor in any manner of way Defac'd at Eighteen pence. All other Spanish money of the Coyns of Mexico Seevill and Pillar peices whatsoever at Eight Shillings the Ounce Troy. All pieces of Eight and

half pieces of the Coyn of Perue at Six Shillings and Eight pence the Ounce Troy. Lyon Dollars that are good and in no manner Defac'd at five Shillings and Six pence each and half Dollars such as before mentioned at Two Shillings and Nine pence each. And that from hence forth no person or persons in this Colony shall be bound or Compell'd to Receive in payment any of the Speices of money before mentioned at any higher or greater price or Rate than is before Sett forth any Usage or abuse to the Contrary hereof notwithstanding.

[CHAPTER 174.]

[Chapter 174, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Brinley's Bradford, p. 295. Title only is printed in Baskett, p. 89. The act expired October 6, 1718. (See ch. 124.)]

AN ACT for Reviving an Act of the General Assembly of this Province Intituled an Act against Forging Counterfeiting and Clipping of Forreign Coyn which is Currant money in the Colony of New York.

[Passed October 6, 1708.]

WHEREAS an Act of the General Assembly of this Province made in the First Year of her present Majesties Reign Intituled an Act Against Forging Counterfeiting and Clipping of Foreign Coin which is Currant money in the Colony of New-York is expired by its own Lymittation.

BE it therefore Enacted by his Excellency the Governour Council and General Assembly of this Colony, and by the Authority of the same, That the said Act, and every Article Clause and thing therein contain'd be Reviv'd, and Continued and the same Act is hereby Revived, Continued and to remaine in Force for and during the Term of Ten Yeares from and after the Publication of this Act and no Longer.

[CHAPTER 175.]

[Chapter 175, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Brinley's Bradford, p. 305. Title only is printed in Baskett, p. 93. Livingston & Smith and Van Schaack, state that this act was confirmed by the Crown, December 15, 1709.]

AN ACT to Enable the Supervisors of Queens County to Repaire or to Rebuild a County Hall and Common Goal for the said County.

[Passed October 6, 1708.]

Whereas Divers of the Principal Freeholders and Inhabitants of Queens County have by their Petition Set forth That the

County Hall and Common Goal of the said County are Insufficient, which have also been lately presented as such by a Grand Inquest of the same County.

Be it therefore Enacted by his Excellency the Governour Council and Representatives of this Province, in General Assembly met and Assembled and by the Authority of the same that for and Dureing the Space of three years from and after the Publication of this Act it shall and may be Lawfull for the Supervisors of the said County for the Time being or Major part of them (who are hereby obliged and Required to Do the same) at any Time or Times, within the said Term of three years to Raise such Sum and sums of money not Exceeding four hundred pounds nor less than one hundred and fifty pounds dureing the said Term upon the Freeholders and Inhabitants of the said County for the Repairing or New Building of a Sufficient Goal and County Hall, and other things needfull for the Administration of Justice in the said County, which Sum and sums of money shall be Raised Assessed, Collected and paid in the same manner and form and under the same Restrictions, pains, penalties and fforfeitures as is Directed by one Certain Act of Generall Assembly of this Province Entituled an Act for the better Explaining and more Effectual puting in Execution an Act of Generall Assembly made in the third year of the Reign of the Late King William and Queen Mary Entituled an Act for the Defraying of the Publick and Necessary Charge throughout this Province and for maintaining the Poor and Preventing Vagabonds, save that the penalty for every Supervisor who shall Refuse or Neglect his Duty therein, to be Twenty pounds and the Treasurer of the said County unto whom the said sum and sums of money is to be paid shall keep a Distinct Just and true Account thereof and make payment of the same to and for the Uses aforesaid and to no other use or uses whatsoever.

[CHAPTER 176.]

[Chapter 176, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Brinley's Bradford, p. 294. Title only is printed in Baskett, p. 89. Livingston & Smith and Van Schaack, state that this act was repealed by the Queen December 15, 1709. See Letter of Lords of Trade to Gov. Hunter, Doc. Rel. to Col. Hist., of N. Y., V, p. 157.]

AN ACT to Relieve this Colony from Divers Irregularitys and Extortions.

[Passed October 6, 1708.]

Her Majesties most Loyall Subjects Inhabiting the Colony and Plantation of New York in America deeply Sencible of many irregularities introduced and Extortions which from time to time to their Extream grief and Loss they have Laboured under most

Humbly and earnestly pray your Excellency that it may be Enacted and Bee it Enacted by the Governour Council and Assembly and by the Authority of the same.

That hereafter no Coroner or Coroners may be appointed in the Severall Citys and Countys in this Colony without Her Majesties Writt To Elect a Coroner be issued and Directed to the Severall and Respective Sheriffs for the ffreeholders to Choose and elect such Coroners as is and ever has been the Common Law practice and Usage of Her Majesties Realm of England.

And in Regard itt is allways has been the Unquestionable Right of every ffreeman in this Colony to have a perfect and entire property in his goods and Estate Notwithstanding which many great Unreasonable and excessive Sums of money have been Exacted and Levyed on her Majesties Subjects here not only by the Collectors of the Dutys and Customes on goods Imported and Exported and their under officers and Servants but also by Sheriffs bailys and their men, Clerks and many other officers and Ministers as well by Land as by Water under the Colour of Port Charges, ffees, and perquisits very Extravagant without Reason or limitation, unlawfull, and tending not Less to the Great Discouragement of Trade and Settlement of People among us, then to the Driving away great Numbers of the Inhabitants and Impoverishing of those who Remain, a Violation of the Peoples property, and the Destruction of the whole Colony.

Be it therefore Enacted and declar'd by the Authority aforesaid that no sum or sums of money be shall or ought to be Imposed Levyed or Exacted from any person or persons in this Colony or their goods or Estates Seized taken or detained under pretence of ffees port Charges perquisits or other pretext or Colour whatsoever nor any Tax or imposition laid unless by Consent of the People Conven'd in Generall Assembly and Some positive Law or Statute so Enacted agreed to and Established to justify and Authorize the Same.

And be it also Enacted by the Same Authority That where any person or persons within this Colony shall happen to be sued or prosecuted for any Suposed Crime, Offence, Trespass or Misdemeanior and shall be thereafter Cleared and Discharged by Verdict of a Jury of Twelve men or otherwise such person or persons shall not be bound or Compelled to pay any ffees for or Relating to his Prosecution or any thing whatsoever unless the ffees of ye Officers Respectively, whom he does or shall imploy, for, and in order to his Necessary Defence and Discharge.

[CHAPTER 177.]

[Chapter 177, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Brinley's Bradford, p. 302. Title only is printed in Baskett, p. 93.]

AN ACT for Raising Two hundred and fifty Three pounds Sixteen Shillings to Discharge the Lord Cornbury from his Contract with Mister Hansan.

[Passed October 16, 1708.]

ffor the Discharge of his Excellency the Lord Cornburys Contract with mister Hendrick Hansen.

Be itt Enacted by the Governour Council and Assembly and by the Authority of the same that the sum of Two hundred and fifty Three pounds Sixteen Shillings Lawfull money of New York be Lay'd assessed, Levy'd and Raised upon all and every the Inhabitants, Residents, Sojurners and Freeholders of and in this Colony of New York according to the Rates and Proportions following (that is to Say) For the City and County of New York fifty four pounds Eighteen Shillings. For the City and County of Albany Seaventeen pounds Six Shillings. For Kings County Thirty Six pounds fifteen Shillings. For Queens County forty Three pounds and Six pence. For the County of Suffolk forty three pounds and Six pence. For the County of West Chester Seaventeen pounds fifteen Shillings. For the County of Richmond Eleaven pounds Seaventeen Shillings. For the County of Ulster Twenty pounds Six Shillings. For the County of Orange four pounds Nine Shillings. For Dutchess County four pounds Nine Shillings.

And that the same be paid into Colonell Abraham DePeyster the Treasurer of this Colony on or before the Twenty fifth day of March next Ensuing.

And be it further Enacted by the Authority aforesaid. That the said Sum of Two hundred and fifty three pounds Sixteen Shillings be and is hereby given and granted unto her Majesty her Heirs and Successors to be Disposed paid out and apply'd to the use aforesaid and to no other use or purpose whatsoever. And that the said Sum of Two hundred and fifty three pounds Sixteen Shillings shall be paid by the said Treasurer unto the said Hendrick Hansen his order or Assignes whose Receipt shall be a Sufficient Warrant and Discharge to the said Treasurer for the same and the Lord Cornbury is hereby exonerated and Discharged from his Contract and obligation to mister Hansen.

And more over be it Enacted by the Authority aforesaid that over and above the respective Sums before Enacted and appointed

to be paid by the Several Citys and Countys in this Colony before Assessed raised Collected and Levy'd the Sum of one Shilling and three pence per pound to be Dispos'd and appli'd Nine pence per pound to the Collectors respectively and Six pence per pound to be paid into the Treasurer aforesaid.

And be it further Enacted by the Authority aforesaid That the said sum of Two hundred and fifty three pounds Sixteen Shillings shall be Laid, Assess'd rais'd Collected and paid in such manner and under Such Restrictions and Regulations, pains penalties and Forfeitures as are mentioned and Expressed in An Act of Generall Assembly made in ye fifth year of her Majestys Reigne Entituled an Act for raising the Sum of Three thousand pounds towards defraying the Expence of ffortifying the City of New York is Enacted Declar'd provided and Express'd to all Intents Construction and purposes whatsoever as if the Severall Clauses, provisions and Limitations in that Act were at large herein Recited and Sett Down.

[CHAPTER 178.]

[Chapter 178, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Brinley's Bradford, p. 303. Title only is printed in Baskett, p. 93. Livingston & Smith, Van Schaack and Baskett state that the act was repealed by the Queen, December 15, 1709.]

An Act to Enable the Mayor Aldermen and Commonalty of the City of New York to Raise the Sum of Six hundred pounds in Two years for the uses therein mentioned.

[Passed, October 16, 1708.]

WHEREAS the Publick Rents Revenues and yearly Incomes of the City of New York are at present so small that they are not Sufficient for paying the Debts and defraying the Publick and Necessary Charges thereof.

Be it therefore Enacted by the Governour Council and Generall Assembly of this Colony and it is hereby Enacted by the Authority of the same That it Shall and may be Lawfull for the Mayor Aldermen and Commonalty of the said City for the time being in Common Council Convened (whereof the Number of Nine may or shall Consent and agree thereunto) to order the Raising the Sum of Six hundred pounds Currant money of this Colony by a Tax upon the Freeholders and Inhabitants of the said City and County within the Term of Two years from and after the Publication hereof in manner hereafter mentioned That is to say, three hundred pounds thereof to be assessed Collected and paid on or before the first day of September next Ensuing the Date

hereof, and three hundred pounds other part thereof to be assessed Collected and paid on or before the first day of September which will be in the year of our Lord one Thousand Seaven hundred and Ten Pursuant to which order or Orders of Common Council to be made as aforesaid the Mayor of the said City for the Time being shall forthwith thereupon Issue his Warrants to the Assessors and Collectors of each Respective Ward within the said City and County Requiring them to make such Assessment and Collection and to pay the same to The Treasurer of the same City for the Time being in such Convenient Times Respectively for the Assessing Collecting and paying thereof as Shall be agreed upon by the said Mayor Aldermen and Comon Council or any Nine of them which said Sum of Six hundred pounds and every part thereof shall by the Treasurer of the said City for the Time being be paid to the uses herein after mentioned and Expressed and to no other use whatsoever and Accounted for in such manner and form as other publick moneys in the hands of former Treasurers of the said City have or Ought to be Accounted for.

And be it further Enacted by the Authority aforesaid that the said sum of Six hundred pounds Currant money of this Colony to be Raised by Virtue of this Act shall be and is hereby appropriated to the uses herein after mentioned and to no other use or purpose whatsoever (that is to Say) one hundred and fifty pounds thereof to be used Applyed and appropriated to Repaire the Common Goals and the City Hall of the said City of New York and for Removing the Prison from over the Chamber where the Generall Assembly of this Colony now Sitteth to some other place; One hundred and fifty pounds more part thereof to be used applyed and appropriated towards the Repairing the Publick Bridges by the weigh House and the Stairs and Landing places of the said City of New York and three hundred pounds more Residue thereof to be used Applyed and Appropriated for the payment of the just Debts of the said City of New York.

And be it further Enacted by the Authority aforesaid that if any person or persons shall neglect or refuse to pay any Sum or sums of money whereat he or they are Rated or Assessed by Virtue of this Act, That it Shall be Lawfull for the Collector thereof to Collect and Levy the same by distress and Sale of his or their goods and Chattles with Reasonable Charges of distraining Restoring to the Owner the Overplus.

And it is hereby further Enacted by the Authority aforesaid That the said sum of Six hundred pounds or any part thereof shall not be used applyed Appropriated or paid to the uses aforesaid without the Consent and Approbation of Nine of the members of the Common Council of the said City of New York

any thing in this Act or any Law usage or Custom of the said Corporation of New York to the Contrary hereof in any wise notwithstanding.

And be it further Enacted by the Authority aforesaid that the Assessor and Collector of the Bowery Division of the Out Ward of the City of New York for the Time being are hereby Appointed to be the Assessor and Collector of that part of the County of New York without the Limitts and Jurisdiction of the City of New York for the Assessing and Collecting that part of the said County of New York for the proportionable part of the aforesaid Six hundred pounds to be Raised by Virtue of this Act.

[CHAPTER 179.]

[Chapter 179, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Brinley's Bradford, p. 306. Title only is printed in Baskett, p. 93. Repealed by a clause in chapter 256.]

AN ACT for Refunding Seven hundred & Eleven pounds ten shillings and five pence misapply'd in the Eighteen hundred pound Tax.

[Passed October 16, 1708.]

For as much as among many other sums the Sum of Seaven Hundred and Eleaven pounds ten shillings and five pence half penny being part of a Certain Tax of Eighteen hundred pounds formerly Rais'd by an Act made in the first year of her present Majties Reign Entituled An Act for the Levying & Collecting the Sume of Eighteen hundred pounds for ye raising paying & maintaining one hundred & fifty fusileers with their proper officers for five months & thirty men with their proper officers to be imployed as Scouts for Sixty two days for the Defence of the Frontiers was not apply'd to that use but made use of for those Services for which her Majesties Revenue was Raised by Occasions whereof a Certain Debt Due to Colonell William Peartree amounting the third of December next with the Interest to Six hundred and forty Six pounds thirteen Shillings and four pence borrowed on the Creditt of that Tax remaines unpaid and whereas it is reasonable that her Majesties Revenue Should make good what has been Borrowed out of That Tax and Disburst for the ordinary Charges of the Government Be it Enacted by the Governour Council and Assembly and by the Authority of the same That the Collector and Receiver Generall for this Colony or Such person or persons as for the time being shall Execute that office shall pay out of the first money That shall Come in to his hands on any Branch of her Majesties Revenue whatsoever, the said Sum of Six hundred and forty Six pounds

thirteen Shillings and four pence Currant money of this Colony to Colonell William Peartree according to the true intent and meaning of the Act aforesaid for Raising Eighteen hundred pounds under Penalty of Seaven hundred pounds to be Recovered by his Excellency Edward Viscount Cornbury Gerrard Beekman Esqr and Caleb Heathcote Esquire or Either of them his or their Executors or Administrators by Action of Debt in any of her Majesties Courts of Justice in this Colony to be apply'd part thereof for the Discharging the said Debt to Colonell Peartree and the Overplus to be paid into the Treasurer of the Colony for the Time being for such Uses as the Governour Council and Assembly shall appoint and Direct.

Provided always That this Act nor any thing therein Contained shall not be Construed nor extend to Release or Discharge any person or persons who have or has Received and misapply'd any of the said Tax or any other Taxes save only for so much as by Virtue hereof shall be paid in manner before exprest any thing herein Contained to the Contrary hereof notwithstanding.

And be it further Enacted by the Authority aforesaid That in Case it Shall so happen that the said sum of Six hundred and forty Six pounds thirteen Shillings and four pence be not paid and Satisfyed to the said Colonell Peartree on or before the said third day of December next according to the true intent and meaning of this Act then and in such Case it shall and may be Lawfull for the said Lord Viscount Cornbury, Gerrard Beekman and Caleb Heathcote or Either of them his or their Executors and Administrators by Virtue of this Act to have an Action against Colonell Thomas Wenham and Peter Fauconnier Esqr their Executors and Administrators for the said Sum of Six hundred and forty Six pounds thirteen shillings and four pence haveing been Commissioners and Received the money ariseing by the Eighteen hundred pound Tax aforesaid.

Provided always and it is the true Intent and meaning of this Act that there shall be but one recovery of the said Seven hundred pounds and no more

[CHAPTER 180.]

[Chapter 180, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Brinley's Bradford, p. 304. Title only is printed in Baskett, p. 93.]

AN ACT for raising a Fund for defraying some extraordinary Charges that have happened in this Colony.

[Passed October 30, 1708.]

Whereas Several persons upon extraordinary Emergency for the Defence of the ffronteers and other occasions have advanced

Money and done Services, and it being highly reasonable that such persons should be duly paid, Be it therefore Enacted by the Gov Council & Assembly & by the Authority of the Same, That ye Sum of Seven hundred fifty Six Pounds & four shillings current Money of this Colony be laid assessed levyed and raised upon all and every the Inhabitants Residents Sojourners & Freeholders of and in this Colony of New York according to ye Rates & Proportions following vizt.

For the Citty & County of New York one hundred Sixty three Pounds nineteen Shillings & seven pence

For ye City & County of Albany Fifty one Pound eleven shills & 6d

For Kings County one hundred & nine Pounds thirteen shills & 2d

For Queens County one hundred twenty eight Pounds nine shills & 11d

For Suffolk County one hundred twenty eight Pounds nine shills & 11d

For Ulster County Sixty pounds nine Shillings & five pence

For West Chester County fifty two pounds nineteen shillings & nine pence

For Richmond County Thirty five pounds Six shills & 7 pence

For Orange County Twelve pounds twelve shillings & eleven pence

For Dutches County Twelve pounds Twelve Shillings & eleven pence

And that the Same be paid in to Coll Abraham D'Peyster the Treasurer of the Colony on or before the First Day of December in the year of our Lord one Thousand Seven hundred & nine

And be it further Enacted by the Authority aforesaid That the Said Sum of Seven hundred fifty Six Pounds & four Shills be and is hereby given and granted unto her Majesty her Heirs and Successors, To be disposed paid out and applyed to the Several uses Intents and purposes in this Act mentioned, and to no other Use or Uses whatsoever That is to Say, the Sum of One hundred Pounds to John Cuyler being the Sum the Commissioners for the Indian affairs at Albany and others borrowed last Winter of Coll Abraham D'Peyster for the use of Spyes and other Incidentals towards Securing the Fronteers: Which Sum of One hundred Pounds shall be paid by ye Treasurer to the said John Cuyler, whose Receipt shall be a sufficient Warrant and Discharge for the same. And the sum of Two hundred and Twenty Pounds five Shillings and Six Pence half Penny shall be paid to the Several persons hereafter named, to wit,

To John van Horne five Pounds

To Peter van Tillburgh four Pounds

To Thomas Ives Two Pounds Six Shillings & Six pence
To Adolph Phillipse Esqr Thirty one Pounds fourteen shillings and Six pence
To Thomas Roberts Sixteen Pound Thirteen Shillings
To John Burger Ten Pound four Shillings
To George Norton one Pound Ten Shillings
To Barth. Feurt Ten Pound Ten Shillings
To Robert Walters Eighty Two Pounds twelve Shillings
To William Sells ffive Pounds
To Coll Thomas Wenham Twenty Three Pounds one Shilling and three half pence
To John Ellison Three Pound seventeen Shillings & nine pence
To Adrian Beekman Six Pounds
To Wm. Bradford Three Pounds Seventeen Shills and three pence
To Lancaster Syms Three Pounds four Shills and Six pence
To Wm. Perse, Carman, Three shillings
To Wm. Chambers Eighteen shillings & nine Pence
To John Stevens Twelve Shillings
To Nanning Harmensen Three Pounds
To Elias Peltro Three Pounds Eight Shills & two pence
To Robert Lurting Two Pounds & thirteen Shillings
To defray the Charge of the Expedition under Coll William Peartree in the year One Thousand seven hundred and Five against Privateers that were upon ye Coast

And the Sum of Two hundred Fifty Two Pounds and Eighteen Shillings to William Bradford Printer And the Sum of One hundred Twenty Five Pounds to Gabreil Ludlow Clerk And the Sum of Forty Two Pounds Ten Shillings to Gabill Luff, late Doorkeeper to ye Assembly. And the Sum of Fifteen Pounds and Ten Shillings to William Churchill for Services done for the Assembly

And moreover Be it Enacted by the Authority aforesaid, That over and above the respective Sums before Enacted and appointed to be paid by ye Several Cities and Counties in this Colony before exprest, there shall by Virtue of this Act be assessed Raised collected and levied the Sum of One Shilling and Three Pence P Pound to be disposed and applyed, nine pence P Pound to the Collectors respectively, and Six Pence P Pound to be paid unto the Treasurer aforesaid

And be it further Enacted by the Authority aforesaid That the said Sum of Seven hundred Fifty Six Pounds and four Shillings shall be laid Assessed raised collected and paid in Such manner and under such Restrictions and Regulations Pains Penalties and Forfeitures as are mentioned & expressed in an Act of General Assembly made in the Fifth Year of her Majesties Reign Entituled An Act for Raising the Sum of Three Thousand Pounds towards defraying the Expence of Fortifying ye Citty of New

York, is Enacted Declared Provided and expressed, to all intents constructions and purposes whatsoever, as if the Several Clauses Proviso's and Limitations in that Act were at Large herein Recited and Set down

And Lastly be it Enacted by the Authority aforesaid That the Receipts of the Severall persons hereinbefore mentioned shall be a Sufficient Discharge to the Treasurer for the respective Sums herein express'd.

[CHAPTER 181.]

[Chapter 181, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Brinley's Bradford, p. 297; Baskett, p. 90. Livingston & Smith and Van Schaack and Baskett, state that the act was confirmed by the Queen, December 15, 1709. Repealed by chapter 560.]

An Act for preventing the Conspiracy of Slaves.

[Passed October 30, 1708.]

BEE it Enacted by the Governr Councill and Assembly and it is hereby Enacted by the Authority of the same, that all and every Negro Indian or other Slave or Slaves within this Colony who at any time after the Execrable and Barberous Murder comitted on the Person and family of William Hallet Junr late of New Town in Queens County Gentleman Deceased have has or shall Murder or otherwise Kill unles by Misadventure or in Execution of Justice or Conspire or attempt the Death of his her or their Master or Mistress or any other of her Majesties Leige People not being Negroes Mulattos or Slaves within this Colony and shall thereof be Lawfully Convicted before three or more of her Majesties Justices of the Peace One whereof to be of the Quorum who are hereby authorized and Empowered to hear and determine the same and put their Judgments in Execution according to this Act or before any Court of Oyer and Terminer or Generall Goal Delivery he she or they so offending shall Suffer the paines of Death in such manner and with such Circumstances as the aggrevation and Enormity of their Crime in the Judgment of the Justices aforesaid of those Courts shall merrit and require AND be it further Enacted by the Authority aforesaid that the Owner or Owners of Such Negro or Indian Slave or Slaves to be Executed by Virtue of this Act shall be paid for the same in the like manner and under the same Regulations as is declared in and by an Act of the Generall Assembly of this Colony made in the fourth year of her Majesties Reign, Entituled an Act to Prevent the running away of Negro Slaves out of the Citty and County of Albany to the French at Canada Provided the Value of such Slaves shall not exceed the price of Twenty five Pounds Lawfull money of this Colony, nor the Charges of prosecution above five Pounds

[CHAPTER 182.]

[Chapter 182 of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Brinley's Bradford, p. 288; Baskett, p. 83. Livingston & Smith, and Van Schaack and Baskett, state that this act was confirmed by the Queen, December 15, 1709. See chapters 154 and 270.]

AN ACT for the Explaining An Act Entituled An Act for the Laying out Regulating Cleering and preserving Publick Common Highways thro'out this Colony.

[Passed October 30, 1708.]

ffor the better Explaining and rendering effectuall One Act of Generall Assembly Entituled an Act for the Laying out Regulating Cleering and preserving Publick Common Highways throughout this Colony made in the year of our Lord One thousand Seven hundred and three and since by one another Act of Assembly Continued and still in force.

Be it Enacted by the Governour Council and Assembly and by the Authority of the same. That the ffreeholders and Inhabitants of the Severall Towns precincts by and thro' which lands any Common High Ways have Used to Run or have been ascertained and Lay'd out are and Shall be hereby bound and obliged to Cleer preserve and maintain the same High Ways by cutting up the brush pulling up all Stones great and Small that Can be raised & Carried off the bredth of a Rod and the Limbs of all Trees hanging over the said rodes to be Lopt and Carried off and so often as they or any of them shall have Notice from the Commissioners or Surveyors or Overseers of the High Ways for the time being throughout this Colony Respectively by themselves or their Servants shall work and Labour for the Cleering levelling and amending the same High Ways not exceeding Six days in the year under the Penalty of three shillings for each Day every person shall neglect or refuse such Service to be Levyed by the Constable in each Town and precinct by Distress and Sale of the offenders goods and Chattles by Warrant from the Commissioners Surveyors or overseers of the High Ways for the time being in every County or town or the Major part of them Respectively, Returning the Overplus of such Sale to the Owner.

And Be it Enacted by the Authority aforesaid That where any High Way from Any Town or Plantation to any Meadows Mills Watering Places or Common Landing Places shall Ly adjacent by or thro any particular persons Grounds it Shall and may be Lawfull for any such person or persons to place and hang

goods easy Swinging Gates on such high ways and the Same Gates make Set up and keep at his her or their own proper Costs, Labour Charges and Expence and the Severall Gates allready allow'd Directed and appointed by the Commissioners abovesaid are Ratifyed approv'd and Confirm'd by Virtue of this Act and the same Highways shall be amended, Cleer'd and Maintained by the Inhabitants of each Towne where such ways may Run.

And be itt also Enacted by the Authority aforesaid that in Case any person or persons where such Swinging Gates are made and Sett up shall Stake Shore or block up any such Gate or Gates such person or persons shall be Lyable and Chargeable to make good and pay all the Damages with Costs the Owner of the Soyl or his tenant or Lessee shall or may Suffer by the Ocasion of Stakeing Shoreing or blocking up such Gate or Gates by an action on the Case to be grounded on this Act hereby given and to be brought by him her or them who shall Sustain such Damages to be Recovered in any of her Majesties Courts of Justice in this Colony.

And be it further Enacted by the same Authority that the Inhabitants of The Towne of Harlem shall not be obliged to mend Repaire or Levell any High Ways beyond or without the bounds or Limitts of their own Lands any Law Custome or Statute to the Contrary hereof in any wise not with Standing

And whereas Severall persons in the County of West Chester have been formerly refractory and have wholly Refused to assist in Repairing the High Ways.

Be it Enacted by the Authority aforesaid that all such persons having so Refused as aforesaid shall be obliged either to make Sattisfaction by Labouring in repairing the said High Ways the full time that they have formerly neglected or else be Lyable to pay the Sum of three Shillings per day to be recovered as is provided by others offending or Refusing as in and by this Act is Declared.

[CHAPTER 183.]

[Chapter 183, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Brinley's Bradford, p. 297; Baskett, p. 91. Livingston & Smith and Van Schaack state that the act was confirmed by the Queen December 15, 1709. Expired in 1715. Continued by chapter 310.]

An Act for the easier Partition of Lands in Joint Tennancy or in Comon

[Passed October 30, 1708.]

WHEREAS there are divers large Tracts of Lands granted at Severall times to Severall Companies of good and well meaning

Subjects, by Letter's Pattents under the Great Seale of this her Majts Collony, wch Notwithstanding Severall Clauses, and Provisos, in Said Letter's Pattents, whereby those to whom the Lands were Soe granted were within a Certaine time to Settle and Improve the same, or Some Part or Parcell thereof; in Order that Setleing Improveing and Peopleing might be promoted thereby, and Contribute one to each other, Yet the Same being held by Virtue of said Letter's Pattents, by diver's Persons as Joynte Tennants or tenants in Common with other's of any Estate of Inheritance whereof Some dying, and Some other's being Call'd out of the Province, by their owne Private Affaires before any dividend made the rest Could not divide to this day, nor Consequently Improve the Said Tract of land without taking out Writts of Partition wch Method's being both tedious and Expensive, not to be Brought to an end but by Such Charges and Expences, wch if Spar'd would have made the Person's Conserned therein and here liveing able to make good Settlements; on Said Lands, to the Encouragement of themselves & Other's; but if Spent in Such prosecution would have left and Should Still leave them uncapable of reaping themselves or procuring to her Majty or Other's that Certaine Advantage Accrueing by Settlements, and Improvements, in a good and large (but yet for the most part uninhabited Country. For remedying whereof and for Makeing Partition in such Lands Easier, and least Chargable, BE IT ENACTED, by the Governour, Councile, and Assembly. and by the Authority of the Same, that from the time of Passing this Act all Joynt Tennants, and Tennants, in Comon that now be or hereafter shall be of any Estate, or Estates, of Inherittance in their owne rights, or the right of their Wifes, of any Lands Tennants or hereditaments within this Collony, Shall and may by Virtue of this present Act make Partition between themselves, by the Consent of the Major part of those here Living; of all Such lands Tenemts and hereditaments as they now hold or hereafter shall hold as Joynt Tennants or tennants in Comon; or of any part or parts thereof and Shall or may at any time and times by Virtue hereof with the Consent aforesaid lay out and Allott each persons Share, or Shares, lott or Lotts, & proportions of all Such Lands, Tennents, & hereditamts, or of any part or parts thereof till they think Convenient to have the Whole divided and leave nothing in Comon amongst them; and all Such Partitions that Shall be soe made Shall be as good & Effectuall to all intents and purposes, and Soe taken and to hold in Law, as if the Same had been made by and with the Will Consent & Concurrence of all the Persons Originally Concerned therein, the Very day the

Said Lands Tennamts & hereditamts were granted unto them as if the Same had been [soe divided by a Pticular Clause in Said Grant, or if the Same had been] made by Writt of Ptition in a due Course of the Law; and it is hereby likewise Enacted that all Person or Persons, Concern'd in Such partitions as well liveing Abroad as here Shall be Bound thereby any Law Usage or Custome to the Contrary in any wise Notwithstanding.

PROVIDED alwayes and the true intent Condicon and meaning of this Act is that to prevent any fraud deceit or Collusion that may in Private be made between a few of the parties therein Concerned, to the Prejudice of the rest, no Partition Soe to be made shall be repealed Valid or Lawfullé except it hath been publickly declared and Affixed in Wrighting, for the Space of three Months at least on the Sessions house or most Publicque place in the County where Such Lands, Tennamts or Hereditaments are, at; likewise On the Citty hall of New Yorke; that Such a day, at such a place, such a Tract of Land, Tenements, or Hereditaments, or such part thereof mentioning by whom granted, when, to whom, and where lying, is to be Surveyed in order to a Division; wch is to be made at such another day at the request of such one, and Such one naming the Parties Solicting Said Divission.

AND IT IS HEREBY further Enacted by the Authority aforesaid, that Such divission as is before directed be made by drawing of lotts in the presence of three Indifferent psons at the least, who are in noe wise Concern'd in the right or Interest of the Lands Tennamts or Hereditamts Soe to be divided, and to be named by the Majority of the Dividors, and that the Names of Such Persons in whose Presence the Said Lotts are to be drawne Shall be Incerted in the Publicke notice herein before directed to be given; to the end that any person Concerned may have Liberty to Make any Objection against any or either of the Persons Soe to be named, and that the persons who shall be Appointed to See the drawing of the lotts aforesaid shall have and receive after the rate of Five Shillings Each, p each day, for their trouble had in the making of the Said division, after the manner and forme here above, and under Expressed and Limitted; and no more.

And it is hereby further Enacted by the Authority aforesaid, that the survey made of the lands, Tennamts, and Hereditaments, or of any part or parcell thereof, intended to be Divided Shall be made by the Surveyor Generall, or Some other Sworne surveyor or by any three Neighbours Men of knowne Intellijence and Integrity, to be Ellected and Named by the Majority of the Dividors who shall upon Oath lay out and divide the Same in as

many lotts as there are Persons Concern'd therein; and as Equall as possible in regard both to Quantity, and Quallity, which Lotts so made shall be Numbered or markt gradually from one, to the number of the Dividors or Parties Concern'd in the division; and the Said Lotts Soe Numbered Shall be drawne fairly and Publickly in the presence of Such persons to be Appointed as Aforesaid in Such manner & by Such person or person's as the Said Overseer's Soe to be Appointed as aforesaid Shall direct and Appoint they being first Sworne to do Justice to all Person's Concern'd in the premisses to the best of their knowledge and understanding. wch Oath any Justice of the Peace is hereby Impow'd to Administer

AND BE IT FURTHER Enacted by the Authority aforesaid, that the Severall and respective lotts Soe drawne, Shall be the Share and division, of the Lands, Tennamts, & Hereditaments, of each and every of the Said persons Dividors Severally, and respectively, as the Same lotts to them Shall Severally and respectively happen; and they and every of them the Said dividors shall hold in Severall one from the other and to their Severall and respective heirs, and Assignes, their Severall and Respective lotts, and divissions, of the lands, tennaments, and Hereditaments, Soe to them happenning in manner aforesaid to all intents and purposes as if the same divission had been made by Writt of Partition prosecuted in any Court of Judicature Within this Collony any law Usage or Custome to the Contrary Notwithstanding. this Act to be of fforce for Seven Years and noe longer. And for the preventing Any dispute that may happen about the Charge of Dividing Any Tract of Land Be it further Enacted by the Authority aforesaid that at the time of the Division of any Such Tract of Land to be made in manner aforesaid there shall be Laid out of the whole Tract of Land before any Division be made thereof by the persons so as aforesaid to be named by the Majority of the Dividors for the Division of Such Tract of Land Such parts thereof as they Shall Judge reasonable for the defraying the Charge of Dividing the Whole Tract to be sold by the Majority of the said Dividors for that purpose whose Conveyance thereof shall be good and Effectuall in the Law to all intents and purposes whatsoever.

JOHN LORD LOVELACE, GOVERNOR.

[No acts were passed during the administration of Lord Lovelace.]

THE TWELFTH ASSEMBLY.

First Session.

(Begun Apr. 6, 1709, 8 Anne, Richard Ingoldesby, Lieutenant Governor.)

[CHAPTER 184.]

[Chapter 184, of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Bradford's 1709 ed., pp. 84, 86; Baskett, p. 95. The act expired October 1, 1709.]

AN ACT to prevent the Transportation of Provisions

[Passed May 24, 1709.]

The present necessity of Affairs requiring, BE it Enacted by the Lieut Governr, Council & General Assembly, and by the Authority of the Same, That no person or persons, shall directly or Indirectly, Transport or Cause to be Transported by Land or Water, or put on Board any Boat, Canoe or Vessell whatsoever, in order to Transport any Sort of Provision out of this Colony, (Flower & Bread Excepted) before the first day of October next, under the penalty of Forfeiting the provision, or value thereof so transported; to be recovered in any of the Courts of Record, within this Colony, on the Oath of one or more Credible Witness, wherein no Essoign, protection or Wager of Law shall be allowed; the one half of the said Forfeitures shall be paid to the Treasurer of this Colony, for & towards the Charge of the present Expedition to Canada, & the other half to the Informer or he that will sue for the same.

PROVIDED, necessary Provisions for the Sea Store of any of Her Ma'ties Ships of Warr, or any merchants vessel Sailing from this Port, or any Vessell to be Laden with Provisions for this Present Expedition, may be Shipt on Board and Exported, by Lycence under the hands and Seal's of the four Commissioners appointed for New Yorke, by Act of Genll: Assembly for managing the Expedition to Canada.

[CHAPTER 185.]

[Chapter 185, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford's 1709 ed., immediately after p. 114. Title only is printed in Baskett, p. 123. Livingston & Smith, Van Schaack and Baskett, state that this act was repealed by the Queen, December 15, 1709. See Letter of Lords of Trade to Gov. Hunter, Doc. Rel. to Col. Hist. of N. Y., V, p. 157.]

AN ACT for Regulating and Establishing fees:

[Passed May 24, 1709.]

Be it Enacted by ye Leiu't Governour Council and Assembly and by the Authority of the same That no Person or Persons for any Service or Services by him or them to be done and performed, Shall ask, demand Receive or Take any greater or other Fee or Fees, Sum or Sums of money for his or Their Reward and Discharging his or Their Duty or Dutys in Their Respective Offices Than herein after mentioned Viz:

FOR THE GOVERNOR.

For the Great Seal to every Pattent for and under one hundred Acres for vacant and Unappropriated Land Twelve Shilling
For the Great Seal to every Pattent upwards of one hundred Acres of the Like Land Each hundred Acres Ten Shillings:
For the Great Seal to a Confirmation for Renewing a Patent Twelve Shillings:
For every Lisence of Marriage Ten Shillings
For his hand and Seal to Letters of Administration Ten Shillings
For every Certificate under his hand and Seal to go beyond Sea Ten Shillings;
For a Lisence to purchase Land of ye Indians Twenty Shillings

THE SECRETARY'S FEES.

For a Confirmation of a Patent for A House and Lott of Land formerly Possessed, Viz:—
For Ingrossing fiat Sealing and Recording Eighteen Shillings:
For A Pattent for New Land for or under one Thousand Acres Viz: for Ingrossing fiat Sealing and Recording Thirty Shillings
For a pattent for new Land for above one Thousand Acres Viz: for Ingrossing fiat Sealing and Recording Thirty Six Shillings;
For an Exemplification of a Pattent Viz: for Ingrossing fiat and Sealing Eighteen Shillings
For a pattent for A new Township Three pounds
For A Confirmation of a new Township or manner one pound Ten Shillings
For A Confirmation of a Patent for Land for or under one Thousand Acres one pound

For a Confirmation of a Pattent for Land for above one Thousand Acres one pound four Shilings
For drawing ye Depositions of Witnesses to a will Ingrossing the will and Probate &c:—and recording the same P every Sheet Each sheet Containing Four and Twenty Lines And Eight words in a Line one Shilling
Swearing the Witnesses and Executor, for Each one Shilling
For drawing every fiat or order for administration and for Swearing the Administrator Three Shillings
For drawing Ingrossing and Recording the Administration Six Shillings
For drawing the Administration Bond Three Shillings
For A Commission to take the Probatt of A Will or to Swear an Administrator Six Shillings
Filling the Original Will and affixing the Seal for Each Nine pence.
Filling the ffiat for Administration and affixing the Seal for Each Nine pence
Recording an Inventory p Sheet each Sheet Containing Four and Twenty Lines And Eight words in A Line one Shilling
Filling the Inventory and Swearing the Executor or Administrator for Each one Shilling
Recording Deeds Mortgages Conveyances and other writings P Sheet Each Sheet Containing Four and Twenty Lines and Eight words in A Line one Shilling
For Copy's of Deeds Recorded or other papers or writings P Sheet Containing as aforesaid One Shilling
For a Search for the first year one Shilling and for Every year Back four pence halfe penny
For A Liscence of marriage and Bond Nine Shillings
For A Tickett for a Person to Depart the Province one Shilling and Six pence
For an order under the Governours Hand Three Shillings
Entring a Caveat one Shilling
For A Commission under the Broad Seal for A Place of Proffit Eighteen Shillings
For A Commission under the Governours Hand, & Seal for A Place of Profitt Twelve Shillings
For Drawing a Certificate to pass under ye Broad Seal or any other Seal and for Ingrossing the same P Sheet Containing as aforesaid Two Shillings and Three Pence
For attending the Courts or Elsewhere with an originall will or Record for Each day Three Shillings
Every Commission of a place of no Profitt Gratis.

THE CLERK OF THE COUNCILS FEES

The Reading A Petition in Council for money, to be Gratis
Reading a Petition in Council for any other matter one Shilling and Six pence
For filling A Petition Six pence
An order of Council one Shilling and Six pence
Filling any other paper by order or on Request Six pence
Coppy of an order of Council one Shilling and Six pence.
For Attending the Committee of the Council on A Referrence four Shillings and Six pence
For Drawing up a Report of A Committee of the Council Three Shillings
For A Coppy of A Report of A Committee of the Council one Shilling and Six pence
For Reading a Report of a Committee att the Council Board Nine pence.
For filling a Report Three pence
For A Copy of a Petition one Shilling
For a copy of other Papers or writings P Sheet Each Sheet Containing four and Twenty Lines And Eight words in A Line one Shilling
For Reading Writings or Evidences for Each, Nine pence
For swearing Persons for Each, Six pence
For Drawing a Licence to Purchase Land from the Indians, writing the same fair And Entring the same in the Book Six Shillings
For Drawing a Warrant of Survey writing the same fair and Entring it in the Book Six Shillings
For Drawing a Warrant for the Attorney Generall to Prepare a Pattent writing The same Fair and Entring it in the Book Three Shillings
For A Warrant for Payment of money Nine pence
For reading A Private Bill the first Time one Shilling and Six pence
For Reading it A Second Time one Shilling and Six pence
For reading it A third Time one Shilling and Six pence
For Entring the Agreement of the Council to the Bill one Shilling and Six pence
For Entring the Governours Assent Nine pence
For Ingrossing three parts thereof if Required and Parchment and a fiat for Each Twelve Shillings
For affixing Three Seals and wax if Required for Each, Three Shillings.

FEES FOR THE COURT OF FORTY SHILLINGS OR UNDER

For the Summons Nine pence
For Serving the Summons for one miles Rideing or under Nine pence for every Mile more Three Pence
For the Judgment one Shilling
For the Summons for Evidence, four pence halfe penny
For Serving the same Nine pence
For the Jury for the same, four Shillings and Six pence

FEES FOR THE JUSTICES IN OR OUT OF SESSIONS.

For every warrant of appearance one Shilling and Six pence
For the Justices Clerk for A Bond one Shilling and Six pence
For takeing Bail in or out of Court one Shilling and Six pence
For Acknowledging a Deed of Sale one Shilling and Six pence
For a Lisence to Sell Drinck one Shilling and Six pence
For the Clerk for A Bond for the same one Shilling and Six pence

THE JUDGE AND JUSTICES FEES FOR THE COURT OF COMMON PLEAS

For all Actions from Forty Shillings to Twenty pounds one Shilling and Six pence
From Twenty pounds and upwards Three Shillings
For Every Judgement of Court Nine Pence
For Signing of an Execution four pence halfe penny
For admittance of A Guardian one Shilling and Six pence
For swearing the Wittnesses to A Will one Shilling and Six pence
For A Certificate for the same to the Secretarys office att New York one Shilling and Six pence
For acknowledging Satisfaction upon Record Nine pence
For Signing A Bill of Cost four pence halfe penny

FEES FOR THE CLERKE OF THE SESSIONS AND COMON PLEAS

For Drawing Every Warrant to Search for Stolen Goods or to Come Befor the Justices to be Examined upon any Case Criminall one Shilling and Six pence
For Drawing affidavit or takeing Examinations each one Shilling and Six pence
For Takeing A Recognisance and Drawing up in form one Shilling and Six pence
For every Mittimus one Shilling and Sixpence
Far Drawing Every Indictment and Ingrossing the same in Parchment Three Shillings
For Receiveing filling and Reading the same four pence halfe penny
For Supena for Each Evidence four pence halfe penny
For a venire facias or other writt one Shilling and Six pence

For Entring the Defendants appearance four pence halfe penny
For Entring his Plea and fileing Nine pence
For Entring the panell and Swearing the Jury one Shilling and Six pence
For swearing Each Evidence four pence halfe penny
For Reading Each Evidences Petition &c: in Court four pence halfe penny
For Swearing A Constable four pence halfe penny
For Takeing and Entring Verdict Nine pence
For Entring Judgment and fine one Shilling
For Entring Confession of the Defendant one Shilling
For An Execution one Shilling and Six pence
For makeing up the Record and filing the same Three Shillings
For Every order or Rule of Court Nine pence
For Entring a Noli procequi or Cessatt processus Three Shillings
For A venire for A Jury to Inquire into Riotts forciable Entry's Detainers &c: one Shilling And Six pence
For Drawing and Ingrossing the Inquisition and Returning the same Three Shillings
For Receiving Reading and filling every Town order brought to be allowed att the Court of Sessions and Entring the Confirmation and Recording the same as in other Cases Twenty four Lines to A Sheet and Eight words in a Line one Shilling P. Page

IN THE COMMON PLEAS

For Every Writt of Capias one Shilling and Six pence
For Entring the Action four pence halfe penny
For Bond for Costs given for the Plaintiff when he is not a known ffreeholder one Shilling and Six pence
For Drawing Declaration Three Shillings
For filing the same Three pence
For Discontinuance or Retraxit Nine pence
For Altering the Declaration and admitting the Defendant in A Declaration of Ejectment one Shilling
For Entring every motion and the Rule thereon Nine pence
For entring the Defendants appearance Four pence halfe penny
For Takeing Special Baile in Court or out one Shilling and Six pence
For Drawing every Plea Replication Rejoynder &c: and filing the same one Shilling And Six pence
For A venire Nine pence
For Receiving and Entring the Pannell and swearing the Jury one Shilling and six pence
For Habeas Corpora Juratorum one Shilling
For Supena for every Evidence four pence halfe penny

For Reading every Evidence in Court four pence halfe penny
For Bringing a Particular Record into Court Nine pence
For swearing every Evidence four pence halfe penny
For swearing A Constable four pence halfe penny
For Receiving and Entring verdict Nine pence
For Entring Sattisfaction on Record Nine pence
For Entring Judgment Nine pence
For Reading and Entring Allowance of Every Habeas Corpus writt of Error or Certiorari And for the Return Two Shillings and Three pence
For Coppying the Record and Returning it with the Writt one Shilling and Six pence
For An Execution one Shilling and Six pence
For Takeing Recognisances in Court when a Cause is put to Arbitration and putting the same into forme to Deliver to the Partys one Shilling and Six pence
For Drawing up a Justices Record upon the Statute of Trespasses one Shilling and Six pence
For attending upon the Sheriffe upon a writt of Inquiry for Damages swearing The Jury &c: Three Shillings
For every writt of Inquiry Two Shillings and Three pence
For Drawing and Ingrossing the Inquisition one Shilling and Six pence
For Recording Deeds and other Writings not Exceeding Four and Twenty Lines And Eight words to A Line one Shilling P Sheet
For makeing A Record and filing in the office Three Shillings
For Indorsing the Probatt or acknowledgement of any publick Instrument in Court, or Out one Shilling
For Searching the Records within one year Nine pence for every year Backwards Three pence
For A Copy of the Records P Sheet Twenty four Lines in A Sheet and Eight words in A Line one Shilling

THE SHERIFFS FEES FOR THE SUPREAME COURT, COURT OF SESSIONS AND COMMON PLEAS

For Serving A writt and taking into Custody Three Shillings
For Every Mile from his Abode Three pence
For Every Bail Bond one Shilling and Six pence
For Returning A writt Nine pence
For A Venire Three Shillings
For Returning the same Nine Pence
For serving an Execution under fifty Pounds one Shilling P pound
For every Pound more Six pence

For Serving A Writt of Possession Six Shillings
For Serving A Scire facias & Return Two Shillings and Three pence
For Every person Committed into the Common Prison Three Shillings

THE CRYERS FEES FOR THE COURT OF SESSIONS AND COMMON PLEAS.

For Calling A Jury Each Cause Nine pence
For Calling Every Witness four pence halfe penny
For every Verdict Nine pence
For Calling Each Action Nine pence
For the Person That shall Ring the Bell or Beat the Drumm each Action Depending in Court Nine pence

THE JURY'S FEES FOR THE SUPREAME COURT

For Every Jury Man Each Action one Shilling

THE LAWYERS FFEES FOR YE SUPREAME COURT

For A Retaining Fee Six Shillings
For Drawing Writt Three Shillings
For Drawing a Declaration Six Shillings
For Drawing A Plea Three Shillings
For A Pleading Fee upon Tryall Ten Shillings
For Every Terme not Exceeding Three Courts Six Shillings
The Lawyers Fees for the Court of Sessions Mayors Court and Court of Common Pleas in Every City and County throughout this Colony for the prosecuting any Action To A Judgment in the whole shall not Exceed Fifteen Shillings

THE JUDGES FEES OF THE SUPREAME COURT

For Allowance of A writt of Error Two Shillings
For taking Bail Two Shillings
For filing the same Six pence
For Every Recognizance Two Shillings
For filing thereof Six pence
For Habeas Corpus Three Shillings
For Cerciorari Three shillings
For Prohibition one Shilling and Six pence
For A Procedendo one Shilling and Six pence
For Supersedeas one Shilling
For Discontinuance one Shilling
For Taxing A Bill of Cost by any Judge or the Clerk of the Court one Shilling
For Acknowledging A Deed Two Shillings

For every Cause in Court unless Criminall Six Shillings
For Admitting an Attorney to Practice in Court one pound Ten Shillings

THE CLERKS FEES OF THE SUPREAME COURT

For Sealing A writt Entring the same and filing the Tickett one Shilling and Six pence
For filing a Declaration Six pence
For Entring An appearance Six pence
For A Coppy of Declaration one Shilling and Six pence
For filling all other pleadings for Each Six pence
For Copy's thereof for Each Nine Pence
For Entring A Rule Six pence
For A Subpena for Witnesses for four, or under one Shilling and Six pence
For Each Witness Above four, four pence halfe penny
For taking an affidavit in Court Nine pence
For A Copy of A Rule of Court Nine pence
For swearing and Impanelling A Jury one Shilling and Six pence.
For the Returne of A Writt and filing the same four pence halfe penny
For swearing Each Witness four pence halfe penny
For Reading Each Writing or Evidence four pence halfe penny
For Swearing A Counstable four pence halfe penny
For filling &c: the Roll Nine pence
For Takeing the Jury's verdict Entring the same in the Minnits one Shilling And Six pence
For Entring Judgment Nine pence
For A Retraxit or Discontinuance Nine pence
For Coppys of the Records or Pleadings &c: of ye said Court Certifyed under the hand of the Secretary P Sheet Each Sheet Containing Twenty four Lines and Eight words to A Line one Shilling
For Drawing A Special verdict P Sheet as aforesaid one Shilling
For A Summons to Attend, to Strike A Speciall Jury Nine pence
For attending and Striking a Special Jury and delivereing A Copy thereof to Each party for Each one Shilling and Six pence
For filing an affidavit or other paper on Request four pence halfe penny
For Entring Satisfaction on Record Nine pence
For Indorsing the Probatt of any Deed in Court Nine pence
For Searching the Records within a year one Shilling and for every year Backwards four pence halfe penny
For Reading A Warrant of Attorney in Court four pence halfe penny
For Takeing Speciall Bail in Court one Shilling and Six pence

IN CRIMINIAL CAUSES.

For A Copy of every Indictment in Felony trespass, assault Battery Force Riott One Shilling and Six pence
For Every Appearance to an Indictment four pence halfe penny
For Every appearance to an Information four pence halfe penny
For the Discharge of any person upon Bail Nine pence
For Every imparliance upon an Indictment Nine pence
For Process against A Person an Information Nine pence
For A Lisence to Compound with an Informer Nine pence
For The Plea not Guilty to an Indictment or Information four pence half penny
For Drawing all pleadings P Sheet Copywise one Shilling Twenty four Lines to A Sheet and Eight words to A Line
For Copy thereof P Sheet copy wise one Shilling
For Relinguishing A Plea Nine pence
For A Submission Nine pence
For Judgment Thereon Nine pence
For A Copy of the Traverse one Shilling
For Every Subpena for four Witnesses or under one Shilling and Six pence
For Every Witness more four pence halfe penny
For Every appearance upon a Recognizance four pence halfe penny
For Reading the Indictment Information or Record four pence halfe penny
For swearing Every Evidence on Tryall four pence halfe penny
For Entring Judgment on Every Information one Shilling
For Every writt of Restitution to restore Stolen Goods one Shilling and Six pence
For the Respiting of Every Recognizance four pence half penny
For taking A Recognizance one Shilling and Six pence
For takeing Security by bond for payment of Costs upon Indictment of forcible Entry Riott and Battery one Shilling and Six pence
For Every Scire facias upon A Recognizance one Shilling and Six pence
For Every order or Rule of Court Nine pence
For A Coppy of Every such order or Rule Nine pence
For Every Capias to fine one Shilling and Six pence
For takeing and Drawing up every Special verdict P Sheet Copy wise Twenty four Lines and Eight Words to A Line one Shilling
For Coppy thereof P Sheet one Shilling Twenty four Lines and Eight Words to a Line

THE CRYERS FFEES IN THE SUPREAM COURT

For Calling Each Action Nine pence
For Calling Jury Nine pence
For swearing A Wittness four pence halfe penny
For Every Verdict Nine pence
For Discharging every Person by Proclamation Four pence halfe penny
For Calling a nonsuit four pence halfe penny
For Calling A Record four pence halfe penny
For Calling A Default four pence halfe penny
For Takeing A Private verdict four pence halfe penny

THE MAYORS FEES

For takeing Every Affidavit Nine pence
For Every Special Bail Two Shillings
For Taxing every Bill of Cost four pence halfe penny
For Takeing Every Recognizance Two Shillings
For swearing Every Person upon Examination four pence halfe penny

THE RECORDERS FEE FOR THE CITY OF NEW YORK

For Every Action in Court Six Shillings

THE CLERKS FEES OF THE MAYORS COURT

For Entering Every Action with A writt of Summons or Capias and Seal one Shilling and Six pence
For filling every Declaracon four pence halfe penny
For A Coppy thereof if Required one Shilling and Six pence
For Entring Returne of Every Writt four pence halfe penny
For Entring every appearance four pence halfe penny
For Every Common Rule of Court four pence half penny
For Entring every motion for A Speciall Rule and the Rule Nine Pence
For A Coppy thereof if Required four pence halfe penny
For takeing Speciall Bail in Court Nine pence
For takeing Speciall Bail out of Court and Drawing the Recognizance one Shilling and Six pence
For filling every Plea Replication Rejoinder or other Pleadings four pence halfe penny
For A Coppy of Each if Required Nine pence
For A venire facias One Shilling and Six pence
For Swearing Jury one Shilling and Six pence
For Each Evidence Sworn or Read on Tryall four pence halfe penny

For Swearing A Constable to keep a Jury four pence halfe penny
For Recording A verdict Nine pence
For Entring Judgement Nine pence
For A Coppy thereof if Required Nine pence
For Entring Sattisfaction on Record Nine pence
For makeing up a Record in form and Entring the same in the Book Six Shillings
For A Retraxit or Discontinuance Nine pence
For A Coppy of the Records P Sheet Twenty four Lines and Eight words in A Line one Shilling
For Reading Every Habeas Corpus writt of Error and Certiorari, Entring the Allowance and Rule of the Returne Two Shillings and Three pence
For makeing Return of the Record With the Certificate and Seal one Shilling And Six pence
For every Scire facias or writt of Enquiry Three Shillings
For A Supena for Evidence four pence halfe penny
For An Execution one Shilling
For Indorsing the Probatt of any Deed or other Instrument in Court or out Nine pence
For searching Records within one year one Shilling
For Every years Backwards more four pence halfe penny
For Reading Each Warrant of Attorney in Court four Pence halfe penny
For A Bond to Prosecute one Shilling and Six pence
For Recording Deeds Mortgages Conveyances and other Writings at Twenty Four Lines P. Page and Eight words in A Line one Shilling

THE CLERKS FEES OF THE COURT OF SESSIONS IN NEW YORK

For Drawing Every Indictment and Ingrossing Three Shillings
For Reading Every Indictment or presentment in Court four pence halfe penny
For filling the same and Entring the Minnits four pence halfe penny
For A Coppy thereof if Required one Shilling and Six pence
For Every Order or Rule of Court Nine pence
For A Capias or any other writt one Shilling and Six pence
For Entring the Returne four pence halfe penny
For Entring appearance four pence halfe penny
For Entring or filling Plea four pence halfe penny
For A Coppy if Required Nine pence
For A venire facias one Shilling and Six pence
For swearing Jury one Shilling and Six pence

For Supena Each Evidence four pence halfe penny
For Each Evidence sworn on Tryall four pence halfe penny
For Swearing A Constable to keep A Jury four pence halfe penny
For Recording Verdict Nine pence
For Entring Judgment one Shilling
For a Copy if Required Nine pence
For makeing up Record in form and Entring the same Six Shillings
For a Copy of Every order or Rule of Court Nine pence
For takeing Each Examination out of Court Nine pence
For takeing and Drawing Each Recognizance in or out of Court one Shilling And Six pence
For Every Mittimus one Shilling and Six pence
For Every Warrant to search or other Warrant one Shilling and Six pence
For Respiting every Recognizance from one Session to an other Nine pence
For the Allowance and Recording a Warrant of Noli prosequi from the Attorney General against every Person in every Indictment Two Shillings
Fr the Allowance of every Cessat processus from the Attorney General and Recording the same in every Indictment Two Shillings
For the Allowance of Every Certiorari Two Shillings
For the Returne thereof Two Shillings

THE BELL RINGERS OR MARSHALLS FEES IN THE MAYORS COURT, COURT OF SESSIONS, AND SUPREAM COURT

For Every Action in Court, every Court Day Nine pence
For Swearing Every Evidence on Tryall four pence halfe penny
For Every Person Committed
For Discharging Every Person by Proclamation four pence halfe penny
For Ringing the Bell for the Supreame Court, for every Cause Depending Nine pence

THE JURY'S FEES.

For Every Cause in the Mayors Court and in the Inferior Court of Common Pleas one Shilling

THE ATTORNEY GENERALS FEES

For Special pleas Confessed by the Attorney Generall on Scire facias and Extents Nine Shillings
For Pleas of Out Lawry Confessed Nine Shillings

For the Draft of A Pattent Confirmation Grant or Charter one pound Ten shillings
For Entring Every Cessatt processus or noli prosequi for Each Defendants name Ten shillings
For his fiat for A writt of Error Nine Shillings
For his fiat for A writt of adquod Dam Nine Shillings
For his Warrant to acknowledge Satisfaction upon Record on Discharging Fines Six Shillings

FEES TO BE RECEIVED IN THE CUSTOME-HOUSE BY HER MAJESTIES COLLECTOR FOR NEW YORK

For Entry of Every Ship or other Vessel burthen Sixty Tuns or upwards inwards Or Outwards one Shilling and Six pence
For Liscence to Load or unload One Shilling and Six pence
For Every Bill of Store one Shilling and Six pence
For Every Certificate of goods Landed where Bond is given Abroad one Shilling And Six pence
For A Corquet after Clearing one Shilling and Six pence
For A Clearing Six Shillings

SHIPS OR OTHER VESSELS BURTHEN UNDER SIXTY TUNS AND MORE THAN TWENTY TRADING INTO OR OUT OF THIS PROVINCE

For Every Entry in or Out, Nine pence
For Lisence to Load or unload four pence half penny
For A Bill of Store one Shilling and Six pence
For Every Bond Nine pence
For A Certificate Nine pence
For Clearing the same in or Out Two Shillings
For A Corquet after Clearing one Shilling and Three half pence

SLOOPS OR VESSELS OF TWENTY TUNS OR UNDER COMING OR GOING OUT OF THIS PROVINCE

For Every Entry in or Out Nine pence
For Liscence to Load or unload four pence halfe penny
For A Bill of Store one Shilling and Six pence
For A Bond Nine pence
For A Clearing one Shilling and Six pence
For A Corquet after Clearing Nine pence

SLOOPS &c: TRADING WITHIN THIS PROVINCE TOWARDS THE SOUND CONNECTICUT SO FAR AS RHODE-ISLAND AND TO THE JERSEYS

For An Entry in or out four pence halfe penny
For Lisence to Load or unload four pence halfe penny
For A pass and Clearing Nine pence

OTHER FEES TAKEN IN THE CUSTOME HOUSE

For the Sight of every Certificate of Bond given and Entring the same in The Queens Books Nine pence
For Cancelling A Bond filling A Certificate and makeing it Returned In the Queens Books Nine pence

THE NAVAL OFFICERS FEES

For Registering A Vessel In Parchment the whole Charge thereof not To Amount to above Eight Shillings
For Every Indorsement for A new Master or upon Changing Lessening or Adding Owners, Nine pence
For Every Certificate of Goods Landed where Bond is Given abroad one Shilling and Six pence
For Every Bond for enumerated Goods one Shilling and Six pence
Provided always That no other Fees shall be Taken for or Concerning the Naval office, Tonnage or the enumerated Comodities or any other thing which Relates to Shipping upon any pretense whatsoever

THE CLARK OF THE ASSEMBLIES FEES

For Reading and Entring every Petition or other Instruments or Writings One Shilling and Six pence
For Entring an Answer thereof one Shilling and Six pence
For Recording sd Petion if Required Three Shillings
For the Clarks attendance on the House on all Committees and Drawing up Resolves &c: P Diem Ten Shillings
For the purusal of any Act or Each Days Minutes one Shilling and Six pence
For A Coppy of Each Days Minutes Two Shillings and Six pence
For An order of the House to the Serjeant at Arms to Bring any person before the House Three Shillings
For Entring sd Order one Shilling and Six pence
For filing A Petition or any other papers Six pence
For A Copy of an order of the House one Shilling and Six pence
For Attending A Committee of the House four Shillings and Six pence
For Drawing A Report of A Committee of the House and Entry
For Entring an order of the House one Shilling and Six pence Three Shillings
For A Coppy thereof one Shilling and Six pence
For Reading A Report of the Committee to the House Nine pence
For Entring the Report in the Journals one Shilling and Six pence
For A Coppy of a Petition One Shilling

For Reading A private Bill the first time one Shilling and Six pence
For Entring the same in the Journals one Shilling and Six pence
For Reading A private Bill the Second Time one Shilling and Six pence
For Entring the same &c: one Shilling and Six pence
For Reading the same Bill a Third Time one Shilling and Six pence
For Entring the same &c: one Shilling and Six pence
For Entring the Resolve of ye House that the Bill pass one Shilling and Six pence
For the Subscription to the Bill and Resolve for master Speaker to sign it one Shilling and Six pence
For Entring the Order for the Bill to be Carried to the Council one Shilling and Six pence
For Endorsing said order on the back of the Bill one Shilling and Six pence
For Reading and Engrossing all Private bills Twelve Shillings

THE SERJEANT AT ARMS FEES

For an Arrest in The Town five Shillings
In the Country for the first Ten Miles going and Coming Ten Shillings
For Every Mile more Six pence
For Every Day a Prisoner undischarged one Shilling
For the Returne of an order Nine pence

THE DOOR-KEEPERS FEES

For Every days Attendance four Shillings
For Every Petition Nine pence

THE SURVEYORS FEES

For a peice of Land if under one hundred Acres Fifteen Shillings
If more for every day he Serveys Ten shillings
If he Imploys any person to Assist him P Diem Three Shillings
For Every Lot of Ground in the City within the ffortifications not Exceeding three Acres Six Shillings
If more than Three Acres, Two Shillings P Acre
For Travelling Charges when he does not Survey Ten Shillings

THE PUBLICK NOTARYS FEES

For Protesting a Bill of Exchange Six Shillings
For All other Protests Twelve Shillings
For Noting A Bill for non-acceptance Three Shillings

BE it further Enacted by the Authority aforesaid that what Ever other services Or Business shall be Requisite to be Done in any Cause or Action in the Supream Court by the Lawyer or

Attorney he shall perform the same, always Provided That Upon Any Bill of Costs The Supreame Court Shall tax no more then Fifty Shillings for Lawyers Fees

And be it further Enacted by the Authority aforesaid that if any Lawyer Or Attorney shall take or Exact any more or other ffees then is Limitted in This Act or Refuse to Serve any person for the aforesaid Fees not being Retained by the adverse party Shall fforfeit Fifty pounds Currant money of this Colony and for Ever be Debarred from Practising in any Court within This Colony The one halfe of which ffofeiture to be paid for her Majesties use For the Support of the Government to be Disposed of as the Governour and Council and Assembly Shall think fit and the other halfe to any person That will Sue for the same to be Recovered in any of her Majesties Courts of Justice within this Colony.

And be it further Enacted by the Authority aforesaid That if any person whatsoever shall Exact or take any other Fees of any persons or persons For his or Their Service in the Execution of his or their office Respectively Then if Ascertained in this Act all or any Such person or persons so offending Shall For Every Such offence Forfeit Fifty pounds Currant money of this Colony The One halfe of All which Forfeitures Shall be for her Majesties Use for the Support of the Government to be Disposed of as the Governour Council and Assembly Shall Think fit And the other halfe of All such forfeitures To Any person that will sue for the same to be Recovered in any of her Majesties Courts of Justice in this Colony.

Provided always that Nothing Contained in the Abovesaid Act for Regulateing Fees shall be Construed to hinder or obstruct the Mayor Aldermen and Commonality of the Citys of New York and Albany To take such Fees and Perquisites for Lycenses Freedomes or other Things Incerted in their Respective Charters, as They heretofore usually Have done, or by Virtue of their said Charters might have Done, Any Law Custome or usage to the Contrary in any wise notwithstanding

And be it further Enacted by the Authority aforesaid That the Fees or Perquisites herein mentioned to be for the Use of the Governour Shall From Time to Time be Received by the Secretary of the Colony For the Time being who is and Shall be Accountable for the same to the Governour when he shall please to Require it

Provided always That this Act and Every Article and Clause herein mentioned shall be in full Force and Effect to all intents and purposes until the first Day of May which shall be in the Year of our Lord One Thousand Seven hundred & Twelve & no longer.

[CHAPTER 186.]

[Chapter 186, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford's 1709 ed., pp. 83, 85. Title only is printed in Baskett p. 95. The act expired in 1710.]

AN ACT for Levying Six thousand pounds

[Passed May 24, 1709.]

For and towards defraying the charge of the Expedition to Canada, Be it Enacted by the Leiut Governour Council and General Assembly, and by the Authority of the same, That the sum of Six Thousand pounds be laid, Assess'd, rais'd and Levy'd upon the Estates, real and personal, of all and Every the Inhabitants, Residents, Sojourners And Free-holders of and in this Colony of New York, to be paid to, and Issued by Colonel Abraham De Peyster, the Treasurer of this Colony, according to the Value of money mentioned in an Act of Generall Assembly made in the Seventh year of Her Majesties Reign, Entituled, an Act for the Regulateing and preventing the Corruption of the Current Coin, in manner following, That is to say, Two Thousand pounds, part thereof, on or before the last Day of November next Ensuing; Two thousands pounds, other part thereof, on or before the last day of May then next following, and two Thousand pounds, the remainder thereof, on or before the last day of November, which shall be in the year of our Lord one thousand Seven hundred and Ten, according to the Rates and proportions herein express'd, that is to say,

For the City and County of New York, Twelve hundred pounds
For the City and County of Albany, Six hundred pounds
For Kings County, Seven hundred and Twenty pounds
For Queens County, Eleven hundred and forty pounds
For the County of Suffolk, Ten hundred and thirty Two pounds
For the County of Ulster, four hundred and Eighty pounds
For the County of West-Chester, Three hundred and Sixty pounds
For the County of Richmond, Two hundred and forty pounds
For the County of Orange, Ninety Six pounds
For Dutchess County, one hundred and thirty Two pounds

And be it further Enacted by the Authority aforesaid, That the said Sum of Six Thousand pounds be and is hereby given and Granted to her Majesty, her Heirs and Successors, to be Disposed and applyed towards Defraying the Charge of the Expedition to Canada, and to no other use, intent or purpose whatsoever, to be Issued and paid by the said Treasurer, by Warrants under ye hands of Capt Robt Walters, Capt. Lawrence Reade, Capt. John

DePeyster, and Capt. Robt. Lurting (or of any three of them) who are hereby appointed Commissioners (and Mr. John Walters to be their Clerk) for mannaging the said Expedition, in relation to purchasing and procuring provisions and other necessarys for Victualling the forces to be Raised in this Colony, and Building the Store Houses near the Lake leading to Canady, and boats and Canoes for the watter passage, and transporting men and materials over the said Lake; the said Warrants to Express to whom, for what Service, or for what Materials, in about, and Relating to the said Expedition; wch said Warrants shall be to the said Treasurer a good and Sufficient Discharge for so much Expressed in the same warrants, to be paid by Virtue thereof, as also for the payment of any moneys that shall be advanced toward the Charge of the said Expedition, out of any publick money the said Treasurer has or shall have in his Custody, w'ch he is hereby Required, authorized and enabled to do, not exceeding the sum of one thousand pounds.

And be it further Enacted by the Authority aforesaid, That the said Sum of Six thousand pounds shall be laid, Assessed raised, Collected and paid in such manner and under such Restrictions and regulations, pains, penalties And forfeitures as are mentioned and expressed in an Act of General Assembly, Entituled, an Act for raising the Sum of three thousand pounds towards defraying the Expence of fortifying the City of New York, made in the fifth year of Her Majesties Reign, is Enacted, Declar'd, provided and Expressed, to all Intents, Constructions and purposes whatsoever, as if the Several Clauses, provisors and Limittations in that Act were at large herein recited and Incerted.

And be it further Enacted by the Authority aforesaid, That over and above the Respective sums before Enacted to be paid by the Several Citys and Counties in this Colony, the sum of Nine pence per pound be assessed, raised and paid to the respective Collectors, and Six pence P pound be paid to the Treasurer aforesaid.

Provided, and be it further Enacted by the Authority aforesaid, That Colonel Killian van Renslaer, Major Derick Wessells and Capt Myndert Schuyler are hereby appointed Commissioners for managing the affairs relating to the provisions and all other Necessarys for the said Expedition, and that they or any one of them do Receive such provisions and necessarys as shall be sent up to them at Albany from New York, and to purchase and procure such other necessarys as Shall be wanting on the said Expedition, and to be Distributed among the Forces, as it Shall be ordered by the Comanding Officer thereof; and that the provis-

ions and all necessarys Shall from thence by water or by Land be sent up as far as to the Carrying-place, and so to be Transported till the s'd forces shall receive the same in their Respective Canoes or other Vessels they shall Enbark with; and that the said Commissioners, or any two of them, Do and may appoint as many other persons as they Shall think fitt, towards the performance of the premises; and that the said Commissioners, or any under them, shall have power to order and Comand, and Impress all such person or persons, Waggons, horses and Canoes, and other necessarys, as to them shall seem meet, to be assistant in the said Expedition; and further, that the said Commissioners do keep or cause to be kept a distinct Account of their proceedings in the premisses, and may for that purpose choose and employ a Clerk, and that for the payment of such persons, goods, materials and other necessarys, they or any two of them, shall Draw Warrants upon the Treasurer, aforesaid, for the payment thereof, who is to pay them Accordingly; which warrants, he takeing Receits thereon, Shall be his Sufficient Discharge for the same

And be it further Enacted by the Authority aforesaid, That the said Treasurer shall keep a true and Exact Accott of all Such Sum and Sums of money as Shall be by him so recd and paid, and such Accott give and render at all times, when required, to ye Governour, Council and Assembly for the time being, when Sitting and Requiring the same; and Shall also, and is hereby required and enabled to advance and pay such publick money he now hath in his hands towards forwarding the said Expedition, by warrants under the hands and Seals of the said Commissioners, in manner as herein before is expressed, and to reimburse himself or pay the same out of the first money that shall come into his hands from any Tax whatsoever, laid and raised by Act of General Assembly

And be it further Enacted by the Authority aforesaid, That the Comissioners herein before named, or any one or more of them, are hereby fully Authoris'd and Impowered, if occasion shall require, to break open and Search all Houses, Ships or Vessels, or any place they Shall think fit, for ye finding And procuring Such provisions and necessaries they Shall want for the said Expedition, and Call to their aid and Assistance, and Command any Sherriff or Sheriffs, Constable or Constables, or any other publick officer, to take, Seize upon, detect, Impress by Land or by watter, and Carry away all or any provisions or Such materials they Shall find, and Judge necessary for the Expedition aforesaid, and pay such reasonable rates and prices they shall think Equitable, for any Labour, provisions or

hire of men, horses and Carts, waggons and Vessels for transportation, what shall be so taken and Seized, as aforesaid; and such officer or officers that shall Refuse or deny their aid and Assistance to the said Commissioners, when required, as aforesaid, shall be by any Two of them, Committed to Jaile, there to remain for ye Space of three moneths, without Bail for every such offence.

Provided always, and it is hereby declared and Enacted by the Authority aforesaid, That no Justice or Justices of ye peace shall have power or jurisdiction to Inspect, take Cognizance, hear or determine of any Assessment or rate to be made by virtue of this Act, or to fine or Imprison any assessor or Assessors for unequally And partially assessing any mens estates, to be rated and Taxt by Virtue of this Act, unless Such Assessor or Assessors shall be duely Convicted before them, by the presentment and Verdict of good and lawfull men of the Neighbourhood, in the due and orderly Course of the Law, and not otherwise, any thing in the before mentioned Act or Generall Assembly, or any other Act or Law to the Contrary hereof in any wise not wthstanding.

And be it further Enacted by the Authority aforesaid, That the said Comrs and their Clerks, for the Severall Services to them intrusted and Expected to be done and performed by Virtue of this Act, Shall be allowed Such just and honourable Reward, as upon their representing to this House, or any Subsequent Assembly, their Respective Services shall be Sattisfactory and reasonable, and that they, and every of them Are hereby rightly Entituled to Demand the same accordingly, pursuant to the true intent and meaning of this Act.

[CHAPTER 187.]

[Chapter 187, of Livingston & Smith and Van Schaack where the title only is printed. Printed in full in Bradford's 1709 ed., pp. 86, 88. Title only is printed in Baskett, p. 95. Revived by ch. 201.]

AN ACT to prevent Selling or giveing of Rumm or other Strong liquors to the Indians in the County of Albany

[Passed May 24, 1709.]

WHEREAS it hath been found by Experience that the Selling or giveing rum to the Indians hath been very Prejudicial in time of Warr & other Services for Preventing the like for the future Be it Enacted by ye Leiut Govr Councill and Genll assembly & by the authority of the same that if any Person or Persons wtsoever wthin the County of Albany shall

from and after the first day of June & before the first day of Septembr next give Sell or other ways dispose of any Rum Brandy Spirritts Wine beer Ale Syder or any other strong liquors wtsoever to any Indian or Indians wthin in ye County being thereof Convicted by the oath of any one Christian or affermation of one Indian before ye Mayor or recordr of Albany or any two Justices of the Peace of sd Town or County of Albany shall for every such offence forfeit the Sum of three Pounds one half thereof for the use of the Informer & the other half to the use of the Corporation of Albany to be Levy'd by distress & seal of the offenders goods by warrt undr ye Hand & Seal of the Person or Persons before whom such Conviction was & where such destress can not be made yt then the Person or Persons so offending shall by the sd Mayor Recordr or Justices be Committed to Prison & Closely confined for ye space of Twenty days & be it further Enacted by the authority aforesd yt it shall & may be lawfull for ye sd Mayor Recordr or any two Justices of the Peace of the Town or County of Albany who shall Suspect any Person or Persons whatsoever to have offended Contrary to ye Intentions of this Act, to send for him Her or them so Suspected & to tendr unto such Person or Persons on oath whether he She or they hath Sold given or other ways disposed of any of ye liquors before mentioned to an Indian or Indians wthin ye sd County of Albany between ye sd first day of June & ye sd first day of Septembr & such Person or Persons not appearing being duly Summond or Confessing upon ye sd oath or refuseing to take ye same shall be thereby Convicted of ye offence & be subject to & Suffer ye same paines & Penalty as if the same had been prooved by oath or affirmation as before mentioned provided yt nothing in this Act Conteined shall be esteem'd or Constructed to Extend to Prohibitt or debar the Commissioners for manageing the Indian affairs any Justice of ye Peace or Commissione officer of the degree of a Capt for giveing or permitting to be given to any Indian or Indians a small quantity of rum or other Strong liquor for their refreshmt Any thing Contained in this Act in any ways notwithstanding.

[CHAPTER 188.]

[Chapter 188, of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Bradford's 1709 ed., pp. 84, 86; Baskett, p. 95. Livingston & Smith and Van Schaack, give the date of its passage as June 6, 1709. The Minutes of the Council and the original bill indicate that the act was signed by the Governor, June 7, 1709. (See Journals of Legislative Council, p. 283.)]

AN ACT to Detach four hundred & Eighty Seven Men their Officers included out of this Colony

[Passed June 7, 1709.]

BE it Enacted by ye Lieut Govr Council and General Assembly of this Colony And by the Authority of ye Same, That four hundred Eighty Seven Men shall be Detacht out of this Colony on or before the 15th Day of this Instant June to be ready to Embarque for Albany at Such Time and Times as the Lieut Govr shall direct and appoint in order to march on the Expedition to Canada. Which Men shall be levyed in the Manner following, vist

From the Citty of New York fifty five Men, the Carpenters and other Men detacht to assist the Engineer being part of their Quota

The Citty & County of Albany Ninety Men the Carpenters being part of their Quota

The County of Ulster forty six Men

The County of Suffolk Ninety Two Men

Queens County Ninety Six Men

Kings County Thirty four Men

The County of Richmond Twenty Men

The County of Westchester forty five Men

The County of Orange four Men

Dutches County five Men

And for the more effectual raising the Said Men according to the Quota's and Proportions herein Expressed, Be it Enacted by the Authority aforesaid That the Colonel of each Respective Citty and County, or the next Field or Comanding Officer for the Counties where there is no Colonel, shall and are hereby Required and Comanded immediately after the Publicacon of this Act to Issue out their Warrants to their respective Captains or other Commission Officer both of Horse and Foot under their Comand Who are hereby directed to Obey the Same requiring them to issue forth their Warrants to their Serjeants or Corporals to warn all their Male Inhabitants Residents & Sojourners in each respective Town whereto they belong, from Sixteen to Sixty to

appear at Such a certain time and place as the respective Captain or other Officer Shall appoint within the Time above limited. Which Said Captains or Comanding Officers are hereby Required then and there to take an exact List of all and every the Names of the Appearers, and the person or Persons so refusing or neglecting to make his appearance as above said, shall forfeit and pay to their respective Captain Six pounds current money of this Colony to be Imployed and paid equally among Such person or persons that shall go upon the Said Expedition, to be levyed by Warrant under the hand and Seal of the Captain or Comanding Officer of the said Company or Troop, under wch the said Defaulters properly belong or are inlisted, directed to any Serjeant or Corporall of that Company or Troop who is hereby required to execute and levy the Said Forfeiture on the Goods & Chattles of all and every such Offender and Offenders. And in case such Serjeant or Serjeants Corporall or Corporalls Shall neglect or refuse to execute the said Warrant he or they shall forfeit respectively for each Offence the Sum of Twelve Pounds current Money aforesaid, to be levyed and applyed as aforesaid; And where no Effects of the person or persons refusing or neglecting to appear as aforesaid, can be found, he or they shall suffer Six Months Imprisonment there to remain without Bail or Mainprize unless he or they shall pay or Satisfy the Forfeiture abovesaid

And be it further Enacted by the Authority aforesaid, That for the more equal Detaching the Men hereby appointed to go on the Said Expedition the Captain or other Officers Shall and are hereby Impowered respectively to Detach what number he shall think fit of the wealthiest or able Bodied Men in every the Cities and Counties aforesaid; Out of wch Number So Impressed or Detatched, the Said Captain or other Officers as aforesaid Shall Return to his Colonel or other Superior Officer his equal Quota or proportion as shall be appointed out of his said Company to go upon the said Expedition to Canada, And those whom ye said Captain or other Officer shall return to go, shall be paid and allowed nine pence P Day and their provisions, to be duly paid to them their Executors or Administrators from the time they are Detacht so long as they shall be upon that service. And for encouragement of Persons to list themselves to go as Vollantiers on said Service, every Such Person shall be punctually allowed and paid Eighteen pence P Day and their provisions, besides the Queens Bounty, to be paid to them their Executors or Administrators, from the Time they are listed so long as they shall be on the Service.

And be it further Enacted by the Authority aforesaid, That such Person or Persons as shall be returned by the Captain or other Officer to go as aforesaid, Shall deny or Delay to go on the Said Expedition, or neglect or refuse to find and provide Such an able and effective Man as the Captain he is to go under shall approve and accept of, well equipt according to the Act entituled An act For Settling the Militia of this Province, Shall forfeit and pay Forty Pounds current Money of this Colony, To be immediately levyed by Distress and Sale of his and their Goods and Chattles by Warrant as aforesaid To be paid and applyed as aforesaid And where no Effects can be found the person and persons so Offending Shall be Comitted to Goal there to remain Twelve Moneths without Bail or Mainprize or until he or they shall pay or Satisfy the Penalty aforesaid; by warrant from ye respective Captains or Comanding Officer.

And be it further Enacted by the Authority afores'd That all and every the person or persons as aforesaid which are absented or gone out of the Colony as aforesaid, or are absconded from their abode or Habitation so that the Serjeant or Corporal do go to their abode in order to give them Notice of their appearing, shall be respectively liable to the forfeiture of Six Pounds as abovesaid. All which forfeitures being distrained by the Said Serjeants or Corporals of the Companys or Troops Shall be exposed to Sale by way of publick out-Cry the forfeitures and Charges thereof being paid and Satisfied the over-plus shall be Returned to the Owner

Provided alwayes, and it is the true intent and meaning of this act That none of the Members of her Majestys Council, nor the Members of the General Assembly for the time being, their Sons, the Officers of the Council and General Assembly, the Clergy, nor any in Commission of the Peace, nor any of the Commissioners appointed in an Act entituled, An Act for levying of Six Thousand Pounds, nor ye Clerks of any Court of Record within this Colony Shall be understood to appear, be detacht, listed or be obliged to go on the said Expedition or required to send or find any person in his or their stead, or be lyable to be fined or forfeit any Sum or Sumes of Money thereon, or be chargeable with any default herein before mentioned, any thing herein or in any other Act contained to the Contrary hereof notwithstanding.

And be it further Enacted by ye Same Authority That ye Supervisors of Kings County are hereby required and impowered to raise and levy the Sum of One hundred Pounds upon all and every the Inhabitants and Residents of the Said County, and Twelve Shillings upon all and every the Male Inhabitants thereof from Sixteen to Sixty years of age and upwards to be equally

divided among Such persons as shall voluntarily go out of the Said County in the service of the said Expedition.

And be it further Enacted by ye same Authority That ye Supervisors of Richmond County are hereby required and impowered to levy the Sum of Sixty Pounds on the Inhabitants of ye sd County in Such manner & form as other publick County Rates are raised, and to be imployed and paid Three Pounds to each person that shall go as Volunteer on the Said Expedition out of the Said County

Always provided, And it is the true intent and meaning of this Act That so many as shall list themselves as Volunteers in each respective Company thro'out this Colony shall be accounted and taken for the Quota's of that Company so far as they amount to in Number any thing contained in this act to the contrary thereof in any wise notwithstanding. As also, if any person or persons as abovesaid shall happen to be disabled or loose a Limb in the said Expedition Shall receive and be paid the Sum of Twelve pence P Day after he or they shall return from ye Said Expedition so long as he or they shall remain in this Colony. And allso if any Person or Persons Soe Inlisting themselves as aforesaid Shall Loose his Life in the Said Expedition his Widdow or Children Shall be paid the Sum of Money pr Diem which he was Intituled to receive by Virtue of this Act till the Said Expedition is Ended.

And be it further Enacted by the Authority aforesaid That if any Collonele or other Officer as aforesaid Shall refuse Delay or Neglect to put this Act in Execution according to the True Intent and Meaning thereof, Every Such Collonele or other Officer Shall for every Such Offence Respectively forfeit the Sum of fifty pounds, to be Levyed on their Severall and Respective goods and Chattles by Warrant under the hands and Seal of the Lieut Governour or Commander in Cheife for the time being in Councill to be applyed to the uses last aforementioned.

[CHAPTER 189.]

[Chapter 189, of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Bradford's 1715 ed., p. 81, 1732 ed. p. 76; Basket, p. 95. Livingston & Smith and Van Schaack, state that the act was passed June 6. The Minutes of the Council, and the original bill indicate that it was signed by the Governor, June 8, 1709. (See Journals of Legislative Council, p. 284.) Provided for by chapter 215.]

AN ACT for Laying an Excise on all Liquors Retailed in this Colony.

[Passed June 8, 1709.]

Be it Enacted by the Leiut Govr Council and General Assembly and by the Authority of the same, That there shall be rais'd, Levy'd

Collected & paid, unto Her Ma'ty, Her Heirs & Successors from the publicacon hereof, untill the first day of June in the Year of our Lord Seventeen hundred & Ten, for and towards the Support of the Government, an Excise upon all Liquors, retail'd thro' out this Colony, under the Quantity of Five Gallons, To witt, The Sum of Twelve pence, Current money of this Colony for each Gallon so retail'd (Beer and Syder only Excepted) and like wise the Sum of Six Shillings for every Barrel of Beer and Syder.

And be it further Enacted by the Authority aforesaid, That the Mayor & Aldermen of the City of New York the Mayor & Aldermen and Justices of the Peace of the City & County of Albany, & the Justices of the Peace of the other Counties within this Colony, to which they belong, or the Major part of them are hereby required, Authoriz'd & Impowered to lett to Farme the said Excise, in their respective Cities and Counties by publick Outcry Auction or Vendue, & each City & every Town in the said Counties to be lett by the Mayor, Aldermen and Justices of Peace, respectively in wch they Reside to the highest bidder, they giving notice thereof by advertisement, to be Sett up in Writing in the most public places in the Cities Towns and Counties, Ten days before ye time it is to be lett, Signifying, that at Such times & places the Excise of Such Cities & Countes or Towns in the said Counties are to be let to the highest bidder.

And be it further Enacted, by the same Authority that if it shall so happen that none shall appear to bid for the aforesaid Excise, in any of the Cities, Towns, or Counties, on the dayes appointed, on which they are to be let, That then it shall & may be Lawfull for the said Mayors and Aldermen and Justices of the Peace as aforesaid to Let to Farm the aforesaid Excise, at any other times as they shall appoint, and the said Mayors, Aldermen & Justices of the Peace as aforesaid, are hereby required to take good Securities by Recognizance with Sufficient Sureties of all and every person and persons that Shall farme the Excise as aforesaid, with Condition, that they pay the same Quarterly, by equal and even payments, into the hands of Colonel Abraham DePeyster Treasurer of this Colony, who is hereby appointed to receive the same.

AND be it further Enacted by the Authority aforesaid, That if any or either of the said Mayors, Aldermen or Justices of Peace as aforesaid, shall neglect deny or Refuse to let to Farme the aforesaid Excise in manner abovesaid or to put this Act in Execution so far as they are requir'd and Impower'd according to the true Intent & meaning hereof, That then he or they so offending shall each of them respectively forfeit unto Her Ma'ty Her Heires & Successors, the full and Just Sum of Twenty

pounds Current money of New York to be recovered in any of her Ma'tys Courts within this Colony by any person or persons, who will and shall Inform and Sue for the Same, by Action of Debt or Information, the one half of which forfeitures to be to Her Ma'ty Her Heires and Successors to be paid into the said Treasurer and apply'd towards the Support of this Government & the other half to the Informer.

And be it further Enacted by the Authority aforesaid, That where there shall be no Farmer of the Excise in Manner before express'd, the Mayors & Aldermen & Justices of the Peace, of the severall Cities & Counties, respectively, shall and may either agree with the Retailers, whom they respectively shall Lycence, at the least for the highest of Such Sum or Sums by the Year as Such Retailer or Retailers at any time formerly hath or have paid, to be paid into the Treasurer Quarterly as aforesaid, or other wise make Such Retailer or Retailers, enter into Recognizance with Sufficient Sureties for the true & due payment of the Excise, herein before appointed to be paid and granted, according to the true meaning hereof.

And for the due and orderly Collecting the Excise hereby given & granted. Be it further Enacted by the Authority aforesaid, That all retailers of Strong Liquors within this Colony, shall upon the receipt of all such Liquors before Express'd and Exciseable come to the Farmer of the Excise in each Town, City and County, where Such Retailer shall dwell and make entry of all Such Liquor or Liquors as they shall buy, or receive, and pay Such Duties as are hereby appointed, within Twenty Four hours, or at Such Convenient time, as the Farmer of Excise shall appoint, and on Default thereof, all such Liquors as shall be found in any Retailers house or Warehouse; Cellar, or other place belonging unto him or her within this Colony, and have not been duely entred and paid the Duties of Excise, as aforesaid, then and in such Case upon Conviction by Oath, of one or more Credible Witness, before any Justice of the Peace within this Colony, the said Retailer or Retailers, so offending in the premises, shall forfeit all such Liquors and three times the value thereof, the one Moiety to her Ma'ty, Her heires and Successors, to be paid to the Treasurer of this Colony for the time being for and to be apply'd toward the Support of this Government, and the other half to the Farmer that will Sue for the same, before any Justice of the Peace in this Colony, who is and every of them, are hereby requir'd and Impower'd Summarily and at his discretion, Solely to hear and Determine the Same, and to Issue his Warrant for Seizing all such Liquors to be forfeited as aforesaid and for comitting to the Comon Jaile all Such Retailers of

Liquors, who have not entred and paid the Duties aforesaid, and shall be so Convict thereof, there to remain without Baile or Mainprize untill they shall Sattisfy and make payment, of three times the Value of Such Liquors Seized & forfeited as aforesaid, as also for the Arresting, and causing to be brought before him any person or persons inform'd against, for retailing without Lycence Provided, that he her or they have Liberty to Appeal, to the next Sessions of the Peace giving Sufficient Security to answer the Same.

And be it further Enacted by the Authority aforesaid, That if any person or persons within this Colony, not being duely Lycenc'd shall either by Land or by Water, at any time presume to Sell by Retail any Strong Liquors, that is to say any quantity under five Gallons as aforesaid the person or persons so offending shall forfeit and pay the Sum of Ten pounds Current money aforesaid for every Such offence being thereof Convicted in manner aforesaid, to be Apply'd and paid as aforesaid.

And be it also Enacted by the same Authority, and it is the true Intent & meaning of this Act, That no retailers of Liquors under five Gallons, or any other, that shall sell any Strong Liquors shall receive any such into their Houses, Cellars or Warehouses or into any other place in the Citys of New York and Albany, but by the hands of the Sworn Porters under the penalty aforesaid, to be recovered for the uses aforesaid, in manner & forme aforesaid, to the intent the said Porters shall so often as there unto requir'd, by the Farmer or propper officer of Excise, give and render upon his or their Corporall Oaths, a true & Just Accot to the best of their knowledge of all such Liquors delivered by them to any such retailer under the penalty of being turn'd out of his place and Office.

And whereas the Duty Granted to their Ma'tys King William & Queen Mary of happy and Glorious Memory arriseing by the Weigh house in the City of New York, expir'd by the Demise of their said Ma'tys, and nevertheless has been rec'd by Thomas Byerly Esqr and other Collectors in this Colony or those Excercising that Office. Be it Enacted by the Same authority that the Duty aforesaid untill the said first day of June, shall hereafter be paid into the Treasurer of this Colony, for the time being, & be apply'd towards defraying the Charg of this Government & the said Thomas Byerly Esqr & the other Collectors, & those who have Excercis'd that Office, do accot to the present Treasurer, for the Sums of money by him & them receiv'd, arising from that Duty, who is hereby requir'd & authoris'd to demand, Sue for recover & receive the same.

And be it further Enacted, by the Authority aforesaid, That no retailer of Strong Liquors within this Colony shall sell any Strong Liquors whatsoever to any Negro, or Indian Slave under the penalty of Forty Shillings to be Recovered before any one of Her Ma'tys Justice of the peace by him or her, that shall sue for the same, and to be apply'd in manner & forme aforesaid

And further be it Enacted by the Authority aforesaid, that ye said Treasurer shall pay out and apply the money by this Act to be rais'd in Such Manner & to Such uses only as by Act of General Assembly, hereafter to be made for that purpose, shall be Limitted appointed and Express'd & not otherwise.

[CHAPTER 190.]

[Chapter 190, of Livingston & Smith, where the act is printed in full. Chapter 190, of Van Schaack, where the title only is printed. Printed in full in Bradford's 1709 ed., pp. 85, 87. Title only is printed in Baskett, p. 95.]

AN ACT for the Currency of Bills of Credit for five thousand pounds

[Passed June 8. 1709.]

Be it Enacted by the Leiut Governour Council and General Assembly and by the Authority of the same That Bills of Credit shall be Issued forth to the value of five thousand pounds and no more pursuant to the Currency of money Specified in An Act pass'd this Sessions for the raising of Six thousand pounds which Bills shall be in the manner and form following Viz:

This Indented Bill of Shillings due from the Colony of New York to the possessor thereof shall be in value equal to money and Shall Be accordinly accepted by the Treasurer of this Colony for the time being in all publick payments and for any fund at any time in the Treasury Dated, New York Thirty first of may one thousand Seven hundred and Nine By order of the Leiut Governour Council and General Assembly of the said Colony which Bill shall be Signed by Lawrence Reade, Robert Walters John Depeyster and Robert Lurting or any three of them who are hereby appointed and directed to Sign and Issue the said Bills for And towards the discharging of Such provisions and necessaries bought for the said Expedition wch Bills shall be received and taken for the same Value and equal to the Current Coin passing in this Colony for goods bought or Sold, or in any payment to be made for Debts Contracted, or yt shall be Contracted, and the tender of the said Bills for the payment And Discharge of any Debt or Debts, Bargains, Sales, Bonds, Bills, Mortgages And Specialties, whatsoever shall be as good and Effectuall in the Law to all Intents Construction and purposes, as if the Current

Coin of this Colony had been offered and tendered to any person or persons whatsoever for the Discharge of the same or any part thereof.

And be it further Enacted by the Authority aforesaid, That the said Bills of Credit shall be printed and numbered, expressing in every of them, the sum of money they shall be Current for, and to prevent the Counterfeiting any of the said Bills they shall be Dated, and Indented on the top thereof with the Arms of the City of New York Stamp'd or printed on the left Side thereon, towards the bottom of every of the said Bills, and the Indent shall pair with and Suit a Counterpart thereof, bound in A book for that purpose, and Subscribed by the parties herein appointed to do the same, to be kept by them of the same tenor and Date and so neer in Similitude in all Circumstances as possible may be, to such Bills of Credit that are Issued and made Current in payment as aforesaid four hundred of which said Bills shall be for five pounds each Bill, Six hundred of them for forty Shillings each, Six hundred of them for Twenty Shillings each, one thousand of them for ten Shillings each and Two thousand Eight hundred of them for five Shillings each Bill amounting to in all five thousand pounds and Delivered by the Signee as soon as Conveniently may be to the Treasurer of the Colony for the time being to be by him paid for such provisions and necessarys purchased towards the said Expedition pursuant to the Warrtts of the Commissioners mentioned in an Act Entituled An Act for Levying Six thousand pounds

Provided always, and it is the true intent and meaning of this Act that the said Signees shall not sign a greater number of the said Bills of Credit than what Shall amount to, or pass, or be Current, for more than five thousand pounds Current money of this Colony.

And be it further Enacted by the Authority aforesaid, That for the better Currency of the said Bills the Treasurer of this Colony for the time being shall and is hereby required and directed to take and receive all and every the said Bills according to the Value therein Express'd with the proportionable advance of Two and a halfe P cent on all and every of the Bills that Shall be offered and tendred to him the said Treasurer for any money due for the first payment of the said Six thousand pounds tax And five P cent, on all and every the Bills that shall be offered and tendered to the said Treasurer for money due for the Second payment of the said Six thousand pounds tax and Seven and a halfe per cent on all and every the said Bills that shall be offered and tendered to

the said Treasurer for money due for the third and last payment of the Said Six thousand pounds Tax and on his receipt of every Two thousand pounds of the Said Six Thousand pounds Tax he shall appoint the Commissioners that sign'd the said Bills to meet him the said Treasurer who are hereby required and directed to meet and Join with him to Examine and Compare the said Bills and Cancel the same taking an Account of the Number and Vallue of the said Bills so to be Cancelled as aforesaid, and keep the same on A File in order to be further Examined, by the Governour Council or General Assembly for the time being, or such as they shall appoint when Sitting and requiring the same.

And be it further Enacted by the Authority aforesaid, that the said Commissioners or Signees shall take an Oath before the Mayor of the City of New York for the time being in the words following, I, L: R: do on the Holy Evangelist Sincerely Sware that I will to the best of my knowledge and Skill truely, honestly and faithfully Discharge the trust reposed in me relating to and Concerning the Signing and Issuing Bills of Credit mentioned in, and pursuant to the true Intent and meaning of this Act so help me God;

And be it further Enacted by the Authority aforesaid That such person or persons as Shall be Convicted of Counterfeiting any of the said Bills of Credit shall incurr the pains and penalties of Felony without benefit of Clergy and Suffer accordingly.

And be it further Enacted by the Authority aforesaid, that the said Bills of Credit shall be Current as aforesaid between man and man the Treasurer Excepted onely untill the last day of February which will be in the year of our Lord one thousand Seven hundred and ten according to the English Account and Shall and may be received by the Treasurer untill the last day of May then next following and no longer.

And be it further Enacted by the Authority aforesaid, That five thousand pounds of the Six thousand pounds to be rais'd by an Act for Levying Six thousand pounds, pass'd this Sessions, Shall be paid to the said Treasurer in the said Bills of Credit and in no other Specie wtsoever.

[CHAPTER 191.]

[Chapter 191, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford's 1709 ed., p. 97.]

AN ACT for Levying Four Thousand Pounds

[Passed June 21, 1709.]

BE it Enacted by the Leiut Governr Council & General Assembly and by the Authority of the same, That the Sum of four thousand pounds, be laid, assess'd rais'd & Levyed upon the Estates, real & Personal of all & every the Inhabitants, Residents, Sojourners & ffreeholders of & in this Colony of New York, to be paid to & Issued by Colonel Abraham Depeyster, the Treasurer of this Colony, According to the Value of money mentioned in an Act of General Assembly of this Colony, made in the Seaventh year of her Majestys Reign, Entituled an Act for the regulating & preventing the corruption of the Currant Coin, in manner following, that is to say, Two thousand Pounds part thereof, at or before the Last Day of May, which will be in the Year of our Lord One Thousand Seaven hundred and twelve and the other Two Thousand Pounds, remainder thereof, at or before the Last Day of November then next following, according to the Quotas & proportions herein express'd, Viz.

For the City and County of New York, Eight hundred Eighty five pounds

For the City & County of Albany, One hundred Seaventy five Pounds Ten Shillings

Kings County, Seaven hundred & thirty Pounds

Queens County, Six hundred fourty four pounds ten Shillings

The County of Suffolk, Six hundred Eighty pounds ten Shillings

The County of Ulster, Three hundred Eleaven pounds ten Shillings

The County of West Chester, Two hundred & forty pounds

The County of Richmond, Two hundred twenty Six pounds thirteen Shillings & four pence

The County of Orange, Sixty pounds

Dutches County, forty Six pounds Six shillings & Eight pence

And be it further Enacted by the Authority aforesaid, That said Sum of Four Thousand Pounds be, & is hereby given & Granted to her Majesty, her heirs & Successors, to be applied for the payment of such of the four hundred Eighty Seven Men of the Militia of this Colony appointed to Serve in the Expedition to Reduce Canada, as shall appear, on the return of the forces, to have Served, & to & for no other use, intent or purpose whatsoever. That is to Say, A Colonel at twenty Shillings P Day, a

Major at Ten Shillings P Day, Six Captains at Eight Shillings P Day Each, Sixteen Lieuts at four Shillings P Day Each, Twenty four Serjts at two Shillings P Day Each, Twenty four Corporalls at Eighteen pence P Day Each, Eight Drums at Eighteen pence P Day Each, four Surgeons at Six Shillings P day Each, & four hundred & three private Sentinels at Eighteen pence P Day to every of them, above their provisions.

And be it further Enacted, by the authority aforesaid, That a Muster-Roll of the names of all the Volunteirs, expressing when Listed, & yt those Impress'd when detached, be transmitted to the said Treasurer by the principal Officer of the Militia of every Citty & County, Signed by him, & by that Officer who shall make such detachmt or Enter the Volunteirs, as aforesd, within a month after such Listing or Detachmt, to remain with the Treasurer for the better regulating the payment of the forces to Serve on this Expedition, under the penalty of ten pounds on Each Officer who shall make default herein, to be recovered by Action of debt or informacon in any of her Majesties Courts, the one half to her Majesty, to be paid to the Treasurer towards the Support of the Government, & the other half to the Informer who shall Inform & Sue for the same. AND for the better paymt of the same forces to be raised for the same Service, a Certificate of the Captain, of the Service of the Men under their Commands, respectively shall be a Sufficient Warrant & discharge to the Treasurer for the paym't of such men; & that a Certificate of the Commissioners for mannageing the Affairs relating to the provision & all other necessarys for the sd Expedition at Albany of the Service of any Comission Officer on the same Service, shall in like manner be a Warrant & discharge for the paymt of those officers, according to the meaning & regulacon of this Act, wch sd Certificates the sd Captains & Comissioners are hereby required & Enjoyned to give, in manner before Express'd.

And be it further Enacted &c That for the better Assessing, raising, Collecting & receiving the said Sum of Four Thousand Pounds, the Mayor & Aldermen of the City of New York, the Mayor & Aldermen of the City of Albany, with the Justices of the peace, for the time being, for the Several & respective Cities & Counties within this Colony, for which they shall be Justices of the peace do within forty days after the publicacon hereof assemble & meet together in the Court-houses for the several & respective Citys and Countys, or such other place or places as they shall agree among themselves, & there shall order yt the assessors and Collectors for the several & respective Citys, Towns, Mannors Liberties & precincts within their

Several Jurisdictions for the Assessing & Collecting of the publick Rates for the defraying the publick & necessary Charge of Each respective City & County afores'd, be the Assessors & Collectors for the Assessing & Collecting the said four Thousand pounds, according to the proporcons before Express'd, in like manner as the publick Rates are usually laid, Assessed and Collected.

And in Case any mannor Town, Liberty or precinct within the respective Countys do or shall refuse, neglect, omitt or not annually Elect or once in the Year chuse assessors or Collectors, whereby the intent of this Act may be Eluded, or that the Assessors or Collectors Chosen, as aforesd, shall dye remove out of any City or County, it is hereby Enacted by the sd Authority, That then & in such case, the Justices of the peace, or any two of them, for the Countys where such Towns, Mannors, Liberties or precincts are, are hereby required, Impowered & Authorized to nominate & appoint assessors & Collectors for such Towns, Mannors Liberties & precincts, wch Assessors & Collectors shall, to all intents & purposes, Observe the Directions of this Act, as any other Assessors & Collectrs are by this Act Obliged & Enjoyned to do

And if any Assessor or Assessors Chosen or Nominated and appointed in manner & form aforesd, shall unequally & partially assess any persons Estate, to be rated & tax'd by Virtue of this Act, and shall thereof be Convict by the due course of the Law, such Assessor & Assessors shall be Comitted to the common Goal, there to remain without bail or mainprize until he & they shall fine & Ransom for such their Offence, the one half of such fines to be to her Majesty, her heirs & Successors, to B paid into the Treasurer of this Colony, for the time being, towards the Support of this Governmt, & the other half to the Informer that shall prosecute the same

And be it further Enacted &c That the said Mayors, Aldermen & Justices of the Peace for the respective Cities & Counties, have, & shall have power & Authority, by Virtue of this Act, & are required, any two or more of them, or each of them by himself, to administer an Oath to the said Assessors, & any or every of them, well, truly, Equally and impartially, & in due proporcon, as it shall appear to them according to their best understanding, to assess & rate the Inhabitants, Sojourners, Residents & freeholders of the respective places for w'ch they shall be chosen Assessors

And be it further Enacted, &c by the Authority aforesd That if any Person or persons, who shall be Chosen assessors or Collectrs in manner aforesd, shall deny neglect or refuse to make

such assessmt as by this Act is required, or shall deny, neglect or refuse to Collect any Sum or Sums of money, in forme before mentioned laid, Taxed & assessed, & thereof be Convict before any two Justices of the peace of the Citys & Countys where such offendors shall happen to dwell or reside (who are hereby required & Impowered to hear, determine & do the same) shall by Warrants under the hands & Seals of such two Justices of the peace, be Comitted to the Comon Goal, there to remain without bail or mainprize till he or they shall fine & ransom for such contempt, as aforesaid. And if any person or persons, of what degree or Quality soever within this Colony, shall refuse, neglect or delay to pay the several Sum & Sums of Money assessed, in manner aforesd, upon demand made by the Collectr of the place where such person or persons shall dwell, inhabit or reside, it shall & may be Lawful to & for such Collectr, for nonpaymt thereof, to distrain such person or persons so refusing, delaying or neglecting, his or their Goods & Chattles, & the distress so taken to keep by the space of four Days, at the Cost & Charges of the owner thereof, & if the owner do not pay the sd Sum or Sums of Money, so distrained for, within the sd four days, then the sd Distress to be publickly Sold by the Collectrs, for the paymt of the sd money, & the overplus coming by the said Sale (if any there be) over and above the Charge of taking, keeping & Selling the said distress, to be Immediately restored to the owner thereof.

And also, be it Enacted by the Authority afores'd, That if any Mayr, Aldermen or Justice of the peace within this Colony, who are hereby required Impowered & authorized to take effectuall care yt this Act be duly Executed, according to the true intent & meaning thereof, shall deny, refuse, neglect or delay to do, perform & Execute all or any of the powers, Dutys & Authorities by this Act required by him or them to be done, & shall thereof be lawfully convict before any of her Majties Courts of Record within this Colony, he or they shall suffer such pains, by fines & Imprisonment, as by the discretion of the Justices of the sd Courts shall be Adjudged, to be Sued for, paid & applyed as aforesd.

And be it further Enacted &c By the Authority aforesd, That if any Action, Bill, plaint, informacon or Indictmt shall be brought, moved or prosecuted at any time hereafter against any person or persons, for any matter Cause or thing done or Executed in pursuance or Execucon of this Act, such person or persons so sued or prosecuted in any Court, whatsoever, shall & may plead the Generall Issue, Not guilty, and give this Act & the special matter in Evidence, & if the plaintiff or prosecutor

shall be non-suited, or forbear further prosecucon, suffer discontinuance or Verdict to pass against him, the defendant or defendants shall have trebble Costs, for which they shall have like Remedy, as in case where Costs by Law are given to Defendants.

PROVIDED ALWAYS, That no Mayor, Aldermen nor Justices of the peace, shall be Sued, prosecuted, troubled or molested for any omission, offence, neglect or mistake [of or against this Act but within the space of one year after such omission, offence, neglect, or mistake] comitted, & not any time hereafter, any thing herein contained to the contrary notwithstanding.

And be it further Enacted &c, by the Authority aforesd That over & above the respective Sums before Enacted to be paid by the Several Citys & Countys in this Colony, the Sum of Nine pence P pound be Assessed, raised, & paid to the respective Collect'rs, & six pence P pound be paid to the Treasurer aforesd, & that the sd Treasurer shall keep a true and exact Account of all Such Sum & Sums of Money as shall be by him so received & paid, & such account give & render, at all times when required, to the Governr, Council & Assembly for the time being, when sitting & requiring the same.

And for ye bettr undr standing & explaining of a certain Clause in an Act, Entituled, an Act for the laying an Excise on all Liquors retailed in this Colony, Be it Enacted by ye same Authority yt no Collectr nor Commissionr in yt Act menconed, yt hath already accounted to ye Governr & Councill, or other Lawful authority, for any Sum of mony by him or them received, & arising from ye Beam or weigh-house, shall be any further liable to any paymt or Account, any thing in ye sd Act, or any other Law, to ye contrary hereof in any wise notwithstanding.

And be it further Enacted &c by the authority aforesaid That the Commissioners appointed for managing the present Expedition to Canada, in relation to purchasing & procuring Provisions, & all other Necessarys for Victualling the forces to be raised in this Colony, and building the Store-houses near the Lake leading to Canada, & Boats & Canoes for the water passage & transporting Men & Materials over the said Lake, shall & do Issue their Warrants to the Treasurer of this Colony for the Advancing & paying of one hundred pounds to Colonel Peter Schuyler for his Incouragement towards the said Expidition, on the Credit of an Act passed this Sessions, entituled, an Act for Levying Six Thousand pounds, which Sum the said Treasurer is hereby Impower'd & directed to pay accordingly.

And be it Enacted &c by the Authority aforesaid, That all & every the Carpenters Impressed out of the said Citys of New

York and Albany, to Serve on the said Expedition, shall not be Obligd to go further than the place where the forces, detacht for the said Expedition, shall Embark, and having finished the work for them design'd, shall have Liberty to return to their respective abodes; and that fourteen Men are hereby requir'd to be detacht in their Stead, out of the said City of New York, and Six men out of the City of Albany aforesaid, to march with the Said forces to Canada.

[CHAPTER 192.]

[Chapter 192, of Livingston & Smith and Van Schaack, where the act is printed in full. Printed in full in Bradford's 1709 ed., p. 93; Baskett, p. 100. See chapter 159.]

AN ACT to relieve Assessors

[Passed June 21, 1709.]

BE it Enacted by the Lieutenant Governour Council and General Assembly, and by the Authority of the same. That all and every Clause and Clauses matter and thing mentioned Express'd and Imply'd in one Act of General Assembly entitul'd, AN ACT for raising the Sum of Three Thousand Pounds, towards defraying the Expence of Fortifying the City of New York, made in the fifth year of Her Maties Reign in any precedent or Subsequent Act or Acts of General Assembly hitherto past, Impowering or giving Jurisdiction to any Justice or Justices of the Peace to Inspect, take Cognizance, hear or Determine of any Assessment or Rate made by any Assessor, or Assessors, Elected and Chosen by the People, and Sworn for the Rating and Assessing, the Estates Real and Personall of the Inhabitants of this Colony, in any City, Town or Precinct, within the same, or to Fine or Imprison any Such Assessor or Assessors under Colour or pretext of any undue or Partial Assessment or rate, are and is hereby from and after the fifth day of April in this present Year, Seventeen hundred and Nine Repealed Abrogated and Declar'd Null and Void any Custome or Usage to the Contrary hereof in any wise notwithstanding.

THE TWELFTH ASSEMBLY.

Second Session.

(Begun Sept. 8, 1709, 8 Anne, Richard Ingoldesby, Lieut. Governor.)

[CHAPTER 193.]

[Chapter 193, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford's 1709 ed., p. 93; Baskett, p. 99. See chapter 168. Revised by chapter 213.]

AN ACT for Reviving an Act of General Assembly, entituled an Act for the better setling the Militia of this Province & making it more usefull for the Security & Defence thereof.

[Passed September 20, 1709.]

BE it Enacted by the Lieut Govr Council & Assembly, & it is hereby Enacted by the Authority of the Same, That one Act of General Assembly, entituled an Act for the better Setling the Militia of this Province & making it more usefull for the security and defence thereof made in the first Year of Her Maties Reign, Expired by its own Limittation Shalbe and is hereby Enacted by the Authority aforesaid to be of force from the Publication hereof for and untill the first day of October wch shall be in the year of our Lord Seventeen hundred & Ten & no Longer.

[CHAPTER 194.]

[Chapter 194, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford's 1709 ed., p. 90; Baskett, p. 97. Continued by chapter 218.]

An Act for Laying a Duty on the Tonnage of Vessels and Slaves.

[Passed September 24, 1709.]

Be it Enacted by the Leiut. Govr Council & General Assembly and by the Authority of the same. That every Master or Commander of any Ship or Vessel, the one half of which Ship or Vessel at least, does not belong to the Inhabitants in this Colony, Coasting Sloops belonging to the Massachusets, Road Island, Conneticut and the Jerseys Excepted, who Shall Enter or Cleer in or out of this Colony shall pay Two Shillings Current mony of this Colony per Ton, for every Ton (according to the Tonnage of his Ship or Vessel) within Six days after the Arrival of such Ship or Vessel upon penalty & Forfeiture of Twenty Pounds Current mony of this Colony, to be forthwith

paid by the said Master or Commander upon Conviction before the Mayor of the City of New York for the time being, by the Oath of one Credible Witness, that he or they have not paid or refusing to pay the same, according to the Tenour of this Act. And on his or their refusall to pay the said penalty, to be Committed by Warrant from the said Mayor untill he or they shall pay the same to the Treasurer of this Colony for the time being, the one half of the said Forfeiture to be for and towards the Support of this Government, & the other half thereof to him that will prosecute the same to be recovered in manner aforesaid.

And be it further Enacted by the Authority aforesaid That all Ships & Vessles liable to pay the Duty by this Act Impos'd shall be Reported on Oath or Gaged by the Length of the Keel taken wthin Board (so much as she treads upon the Ground) and the breadth to be taken within board by the Midship beam from Plank to Plank, and the depth of the hold from the Plank below the Kelsey to the underpart of the Deck plank, & for a two Deck Ship or Vessel, the depth of her hold to be taken from the Plank below the Kelsey, to the under part of the upper Deck Plank, and the Length and Depth as hereinbefore mentioned, the Length of every Ship & Vessel to be Multiplyed by the breadth, and the product thereof by the Depth, the wholl to be Divided by Ninety five, & the Quotient of such Division shall be the true Contents of the Tonnage of every Ship & Vessel measured as aforesaid, according to the said method & Rule all Vessels shalbe Measured and the Duty computed and paid accordingly by the Master or owner.

And be it further Enacted by the Authority aforesaid, That the Officer herein appointed for Collecting the said Duty is hereby appointed to keep a fair Register of all Entries upon Oath in a Well bound Book or Books to be provided & kept for that purpose and shall give One thousand pounds Security to Her Maty for the true performance of the said Office by Recognizance before the Mayor of the City of New York for the time being. And the said Officer shall give to the Govr for the time being & the General Assembly of this Colony when Sitting & requiring, an Account fairly written of the names of Such Master or person who hath so entred or Reported; with the names of Such Ships or Vessels their Tonnage or Burthen, & faithfully account for mony received by him by Virtue of his Office. And in case the Officer herein appointed shall have reason to Suspect any Master or Commander who hath made a Short entry of the Tonnage of his Ship or Vessel, then & in Such Case the said Officer or Such Sworn Surveyor as a Gager as he Shall Imploy shall Immediately repair on board Such Ship or Ves-

sel by him So Suspected to take the true Burthen of his Vessel according to his best Judgment & make true entry thereof in the said Books, & if it be found that the entry of the said Ship or Vessel be short of Such Survey or Gage, made by the said Officer, the Master or Person making Such Short Entry shall for the Same forfeit & pay Six shillings Current money of this Colony, for every Ton Short Entred, to the Officer hereby appointed to Collect the said Duty without any Free or other Charges.

AND be it further Enacted by the Same Authority, That Gabriel Ludlow, be and is hereby appointed the propper officer to receive the mony & the Duty hereinbefore menconed, & is hereby required & Impower'd to pay the said Sum and Sums of mony so received & Collected as aforesaid, to the Treasurer of this Colony, for the time being and is hereby allowed & permitted to pay himself the Sum of Twenty five pounds a Year for & as his Sallary for doing the duty as aforesaid.

And be it further Enacted by the Authority aforesaid, that there shallbe Collected & paid, to Her Ma'ty, Her Heirs & Successors from and after the Publication hereof, the Duty & Imposition of Three pounds for every Negro that shall be Imported into this Colony not directly from Affrica, & Three Pounds for every other Slave or Slaves that shall not be directly Imported into this Colony not directly from Affrica, & Three Dutys herein Imposed shall be collected by the Officer hereby named & appointed & who is hereby required & directed to pay and account for the Same in manner before Expressed.

AND be it further Enacted by the Authority aforesaid, That the mony Imposed by this Act shall be applyed and paid by the Treasurer of this Colony to Such Uses as shall be directed by the Govr Council and Assembly of this Colony for the time being & not otherwise:

PROVIDED, also that this Act shall be & Continue in force untill the first day of May One thousand Seven hundred & Eleven & no longer.

[CHAPTER 195.]

[Chapter 195, of Livingston & Smith and Van Schaack, where the act is printed in full. Printed in full in Bradford's 1709 ed., p. 94; Baskett, p. 101. The original of this act does not appear to be in the office of the Secretary of State, but from the minutes of the Council, such an act was passed September 24, 1709. (See Journals of Legislative Council, p. 288.)]

An ACT to enable the Justices of the Peace to nominate Assessors and Collectors, in Case of Death.

[Passed the 24th of September, 1709.]

BE IT ENACTED by the Lieutenant Governor, Council, and General Assembly, and by the Authority of the same, That when,

and as often, or where the Assessors or Collectors shall die; every Manor, Town, Liberty or Precinct within the respective Counties, are hereby required and directed, within ten Days after the Death of any Assessor or Collector, to chuse others in their Stead and Place; and on Refusal, Neglect, or Omission, the Justices of the Peace, or any Two of them, for the Counties where such Towns, Manors, Liberties, or Precincts are, are hereby required, impowered, and authorized to nominate and appoint Assessors and Collectors for such Towns, Manors, Liberties, and Precincts; which Assessors and Collectors shall, to all Intents and Purposes, observe and do his and their Duties, as any other Assessors and Collectors are required and enjoined to do.

[CHAPTER 196.]

[Chapter 196, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford's 1709 ed., p. 95. Title only is printed in Baskett, p. 102. Expired, September 24, 1711. The portion of the original law containing the signature is torn off, but from the Minutes of the Council it appears that the act was passed September 24, 1709. (See Journals of Legislative Council, p. 289.)]

AN ACT to prevent the Exportation of the Gold and Solver Coin out of this Colony.

[Passed September 24, 1709.]

BE it enacted by the Lieutenant Governr, Council & General Assembly & by the Authority of the same that from & after the Publication hereof no Person or Persons whatsoever within this Colony Dwellers or Strangers shall Ship, Load, put on Board, Export or in any manner carry out of the same Colony by Land or by Water, any Spanish Coin, Cevill, Pillar, Mexico or Peru, Lyon Dollars, half Dollars or ony other Forreign Coin, Gold, Silver or Bullion whatsoever, under the Penalty of forfeiting Double the Value of all Such Gold or Silver or Bullion shipt on Board any Ship or other Vessel Exported or Carry'd out of this Colony by Land or by Water to be recover'd in any of Her Ma'ties Courts within this Colony, by Action of Debt, Bill, Plaint or Information, the one half of such Forfeitures to be to Her Ma'ty, Her Heires and Successors, to be paid in to the Treasurer of this Colony, & apply'd as the Governr Council & Assembly shall direct, towards the Support of the Government, & the other half to any person or persons who shalbe & are hereby authorized and Impowered to Informe and sue for the same in which no Essoin Protection Wager of Law, or non bult Ulterius prosequi shall be allow'd any Law, Custom or Statute to the Contrary hereof notwithstanding.

And for the more effectual preventing of the Exportation aforesaid. Be it also Enacted by the same Authority That the Captain or Master or Captain & Master, where there are Such, of every Ship or other Vessel, sailing out of this Port, shall before he or they take any Goods on Board their Ships or Vessels make his Corporal Oath before the Mayor or Recorder of the City of New York for the time being who are hereby Impower'd, Authoriz'd and requir'd Gratis, to Administer the same, That he hath not, nor shall directly, nor Indirectly at any time before the Departure of Such Ship or Vessel out of this Port, take, receive or Ship on Board, Export or carry out of this Colony, any of the Gold & Silver Coin, Plate or Bullion whatsoever before mencon'd and shall also deliver into the Mayor or Recorder of the City of New York for the time being, if require'd, a List of the names of all such who do or shall ship any Goods whatsoever, on Board them to the end that the said Mayor or Recorder at his Discretion may if he see Cause Sumons such person or persons before him and Examin him or them, on their Corporall oaths, if they have Directly or Indirectly shipt on board such ship or other Vessel, any Gold, Silver, Plate or Bullion as aforesaid, & in Case any such Cap't or master shall take on board any Ship or other Vessel any goods whatsoever before he make such oath, or shall deny, refuse or neglect, to deliver in Such List, or if any p'son or persons who shall ship any such Goods, shall upon Lawfull Summons, refuse to appear, or appearing, refuse to make such Oath, such Captain or Master person or persons shall by the said Mayor or Recorder be Comitted to the Common Goale there to remaine, untill he or they respectively, shall appear deliver in such List, & make such Oath as aforesaid.

And be it further Enacted by the Authority aforesaid That in Case the Mayor or Recorder aforesaid or either of them upon Information given to either of them respectively, of any Silver or Gold, Coyn, Plate or Bullion, Exported, or about to be carried out of this Colony, shall neglect or refuse to put this Act in Execution, According as in and by this act they are Authorized Empower'd & requir'd, & pursuant to the true Intent & meaning hereof, Such Mayor or Recorder shall Loose & Forfeit ffifty pounds, to be sued for recover'd & dispos'd of, in Manner before Enacted, mentioned and exprest.

And for the more easy Convicting of the offenders against this Act. Be it Enacted by the same Authority, That any two Credible Witness's, such as the Jury to whom any Issue upon this Act shall be Comitted shall Credit & believe; shall be allowed sufficient proof and Testimony in the Law, to Convict any person or persons whatsoever guilty of the breach of this Act.

And as a further encouragement for the discovery of all offenders, & the rendring this Act more Effectual. BE it also Enacted by the Authority aforesaid, That whatsoever Captain, Master, Purser or other person who shall discover Inform against or prosecute any person or persons guilty of the breach of this Act shalbe and is hereby discharg'd and Indemnified, from any Contract, made for the Freight Transportation or Carriage of any Such Coin, money, Bullion and Plate before mentioned, and shall and may upon any Action, Comenced or brought against him or any of them, plead the Generall Issue, & bring this Act in Evidence for his Justification acquittance or discharge, any Bill or Bond Contract or matter thing Law Custome or Statute to the contrary hereof notwithstanding.

Provided always notwithstanding, that this Act shall not be Constru'd nor extend to the Exportation from this City, of any wrought plate where proof shall be made before the Mayor or Recorder of this City for the time being, by one Credible Witness, that so much Gold or Silver Coin or Bullion hath been before that, Bona fide, Imported into this Colony, on purposes to be here wrought up, into such Plate or Vessels of Gold or Silver, nor to any Traveller or Passenger by Land or by Water, to the Neighbouring Colonys, of the Massachusets, Road Island, Connecticut, New Jersey Pensilvania, Mary Land or Virginia, carrying away any Sum not exceeding Five pounds.

PROVIDED also that no person or persons, shall be Lyable to be prosecuted, for any thing made an offence by this Act, but within one year, after the fact Comitted, and not at any time after that.

This Act to Continue in force for the terme and Space of two years from the publication hereof only.

[CHAPTER 197.]

[Chapter 197, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford's 1709 ed., p. 93; Baskett, p. 100. See chapter 88.]

AN ACT for Reviving an Act for Encouraging of Seamen.

[Passed October 11, 1709.]

BE it Enacted by the Leiut Govr Council and Assembly, and by the Authority of the same, That one Act of General Assembly, entituled, an Act for the Incouraging of Seamen made in the third Year of the Reign of the late King William of Glorious Memory being Expired, shall be and is hereby revived & to remain in full force for and during the Space and term of Two Years from the Publication hereof.

And be it further Enacted by the same Authority, That in case it shall so happen that any person or persons to defeat the Intention of the said Act shall make or take any Bond, Bill or Specialty whatsoever from any Seaman in trust, for the Use of any Tavern-keeper, Alehouse keeper or Victualler all and every such Bonds, Bills or Specialtys shall be altogether void, null and of none Effect, any Custome, Usage or Law to the contrary hereof, notwithstanding, & any person or person making or taking any Such Bonds, Bills or other Specialtys shall and may by the Judges or Justices of any of Her Maties Courts of Justice be Examined on his her or their Corporall Oaths of and Concerning Such Trust and Use, and if the Party Examin'd shall refuse to discover the Same, Judgement shall be given as if such Trust & Use, were Confess'd and Legally prov'd.

And be it also Enacted, by the Authority aforesaid, That the said Act shall extend to all Tavernkeepers, Alehousekeepers and Victualers, in Queens County and Kings County, to all Intents as if they had been mentioned Express'd and nominated in the Body of the said Act.

[CHAPTER 198.]

[Chapter 198, of Livingston & Smith and Van Schaack, where the act is printed in full. Printed in full in Bradford's 1709 ed., p. 94; Baskett, p. 101.]

AN ACT to prevent the Removal of Actions of Twenty pounds from the Mayors Court of New York and other Courts.

[Passed October 11, 1709.]

BE it Enacted by the Leiut Govr Council & General Assembly and by the Authority of the same, That there shall not be after the Publication of this Act, any Removal by Habeas Corpus or other Writt, of any person or of any Case, Action or Suite or Appeall or writt of Error from any Judgement or Execucon from any of the Courts of the Mayor & Aldermen in the Citys of New York & Albany, or Burrough of West Chester, or from any of the Courts of Comon Pleas in any of the Countys of this Colony, in any personal Action where the matter in Demand, Suit or Controversy does not amount in real value, to, upwards the Sume of Twenty pounds, Lawfull mony of this Colony, provided the thing or matter in controversy do not bring in question or relate to the right or Title, of any Lands, Tenements & Hereditaments in this Colony, any Law, Usage or Practice to the contrary notwithstanding.

And be it further Enacted, by the Same Authority, That where any Justice of the peace or other persons are authorized to have

Cognizance of Please of Debt or Tres-pass to the value of Forty Shillings and under within this Colony, itt shall & may be Lawfull for Such Justice or other person to cause their Judgemts or Sentences respectively to be put in Execution by Warrant under their respective hands & Seals directed to the constables of the Towns, Mannors or districts, where the parties against whom the Judgm't or Sentence is or Shall be given does Inhabit, or where their Bodys Goods or Chattles, are to be found, at the Election of the Party recovering, either to Levy the same by Sale of such parties goods & Chattles, returning the overplus, if any be, to the owner, or by taking their Bodys & comitting them to the County Goale there to remain in close & Safe Custody till Such Judgmt or Sentence shall be paid & Sattisfyed.

And be it further Enacted by the Authority aforesaid that the said Constables respectively, are hereby authoriz'd Commanded & required to put such Judgmts & Sentences in Execution, according to the Tenor, Intent and meaning of this Act, & the Sheriffs, under Sheriffs and Goalers of the Several Counties respectively are hereby authorized Commanded & required to receive the Bodys of Such Partys in their respective Jailes, & then there in close and Safe Custody to keep, untill Such Judgmts & Sentences shall be Sattisfyed and paid, any Law, Usage or custome, to the contrary hereof notwithstanding.

[CHAPTER 199.]

[Chapter 199, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford's 1709 ed., p. 89; Baskett, p. 95.]

AN ACT for Levying divers Sums of mony for defraying the Charge of this Colony.

[Passed October 11, 1709.]

BE it Enacted by the Leiut Govr Council and General Assembly and by the Authority of the same that from and after the Publication hereof there shall be paid to Her Ma'ty Her Heires and Successors, One Shillings Current mony of this Colony, for every Chimney, fire place & Stove, that is or shall be Erected & built within this Colony by the Occupiers and Tennants thereof, and Two Shillings for every Negro or Indian Slave from Fifteen Years to Sixty Years of Age. And for the better Colecting the same. Be it Enacted by the Authority aforesaid, That the Several Assessors for the time being of the Several Citys, Towns, Mannors & Precincts within this Colony shall within Forty days after the Publication hereof take an Exact true & perfect List of all and every Hearths, Chimneys, fire places & Stoves & of all Slaves as are dwelling & residing within the said Severall Towns, Mannors

& Precincts from the Age of Fifteen Years to Sixty & a true Coppy of Such Lists shall be Delivered to the Clerk of each respective City and County in this Colony Subscribed by the said Assessors by him to be Filed and remain in his Office. And the said respective Assessors are also hereby required to Cause duplicats of the said Lists to be fairly written and forthwith delivered or Cause to be Delivered unto the respective Collectors of every Citty & County who are hereby Authorized & required to Demand and receive of every person or persons Chargeable by this Act, one Shilling for every Chimney, fire place & Stove & two Shillings for every Negro or Indian Slave of the Age of Fifteen Years and under the Age of Sixty, Current money of this Colony, which Said Sum & Sums the said Severall Collectors shall pay to the Treasurer of the Colony for the time being on or before the Twenty-fifth day of March next ensuing, Deducting Nine pence per pound, out of the mony Levy'd by this Act for Collecting the same. And if any person or Persons Shall refuse to pay the Several Sums appointed by this Act upon Demand by the Collector of the place, where they shall Dwell or Reside, it shall and may be Lawfull for such Collector or Collectors for non payment thereof to Distrain the Goods & Chattles of the Person or Persons so refusing & the Distress so taken to keep for the Space of Four Days at the Cost and Charges of the Owner thereof & if the said Owner doth not pay the said money so Distrain'd for, wthin the said Four Days, then the said Distress to be Pubickly Sold by the said Collector or Collectors for the payment and the overplus coming by the said Sale (if any be) over and above the Charg of taking and keeping the said Distress to be Immediately restor'd to the owner thereof.

And be it Enacted by the Authority aforesaid, That if any dispute or Controversy shall arrise between any of the Assessors & any respective Person or Persons concerning the Age of any Slave or Slaves or the Number of any Chimneys, Hearths or Fireplaces the same shall be Decided by the next Justice of Peace, where such Person or Persons shall Dwell or Reside, who is hereby Authorized & required to Determine the Same, & whose award therein is hereby Enacted to be Valid in that behalf.

And be it further Enacted by the Authority aforesaid that every Assessor & Collector, who shall refuse to do his or their Duty by this Act required shall forfeit Severally for every such neglect the Sum of Ten Pounds, and for every false return wilfully made contrary to this Act. he or they shall forfeit and Loose for every Hearth, Chimney, Fireplace or Stove, & Negro or Indian Slave so falsely returned or omitted, the Sum of Six Shillings, the one Moiety to be paid to the Treasurer of this Colony for the time

being towards the Support of this Government, & the other half to the Informer or he that will sue for the same.

And be it further Enacted by the Authority aforesaid that the money Impos'd by this Act shall be Apply'd & paid by the Treasurer of the Colony for the time being to Such Uses as shall be directed by the Govr Council & Assembly of this Colony for the time being & no otherwise.

And for the more Effectual putting in Execucon an Act entituled an Act for laying a Duty on the Tonnage of Vessels and Slaves pass'd this present Sessions. Be it Enacted by the Authority Aforesaid, That such Ship or Vessel lyable to pay Tonnage money by the said Act Upon notice given by the Officer for that Purpose Shall within Six Days after her arrival within this Colony enter and Cleer with the proper Officer appointed to Collect the Duty of Tonnage upon Forfeiture of Twenty Pounds Current mony of this Colony, to bee forthwith paid by the Master, Commander, owner or any of them, upon Conviction before the Mayr or any one of the Aldermen of the City of New York for the time being, who are hereby Authoriz'd & requir'd to hear and determine the Same, by the Oath of one Credible Witness and on his & their refusal to pay the said penalty to be Committed to the comon Goal by Warrant from the said Mayor or any Alderman untill he or they shall pay the same according to the Direction of the said Act. And further that no Vessel or Vessels lyable to pay the said Tonnage money shall be Cleered at Her Ma'tys Custome House in this Colony or by any Officer thereunto belonging, untill it shall appear to the Said Officer Such Vessel or Vessels, have entred with the Officer appointed to Collect the said Tonnage mony, under the penalty of Fifty Pounds Current mony aforesaid, to be recovered & applyed as the Penalty of Twenty Pounds hereinbefore mentioned is Directed.

[CHAPTER 200.]

[Chapter 200, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford's 1709 ed., p. 92; Baskett, p. 99.]

AN ACT for the Treasurers paying certain Sums of money.

[Passed October 11, 1709.]

BE it Enacted by the Leiut Govr Council & Assembly and by the Authority of the same, That the Treasurer of this Colony do Issue forth & pay to the Several persons or their Assigns hereinafter nominated the respective Sums herein Express'd out of the Colonys money in his hands not otherwise appropriated, That is to say, To the Honourable Colonel Richard

Ingoldesby Esqr the Leiut Govr Fifteen hundred ounces of Plate or Two thousand One hundred Eighty two Lyon Dollars.

To Roger Mompesson Esqr the Cheif Justice Three hundred Twenty five ounces of Plate, or Four hundred, Seventy three Lyon Dollars.

To the Clerk of the Council Seventy five ounces of Plate, or One Hundred & Nine Lyon Dollars.

To the Printer, One hundred and fifty ounces of Plate or Two undred & Eighteen Lyon Dollars.

To the Indian Interpreter, Seventy five ounces of Plate, or One Hundred & Nine Lyon Dollars.

To the Messenger or Doorkeeper to the Council, Fifty Ounces of Plate, or Seventy three Lyon Dollars.

To the Weigh Master P Annum, One hundred twenty five ounces of Plate or one hundred Eighty two Lyon Dollars.

To Helena Cooper for one hundred forty Seven Catoch Boxes for the Expedition against the French Privateer under the Command of Col. Peartree in Seventeen hundred & five Ninety Six Ounces & one half of Plate, or one hundred, forty Lyon Dollars & one half.

To Daniel Ebbetts or his Order, for fitting a Roome in the City Hall for the Council to Sitt in, Fifteen Ounces of Plate, or Two & twenty Lyon Dollars.

To Gabriel Ludlow Clerk to the General Assembly of this Colony and William Churchill So many ounces of good Plate or Dollars as Shall appear by an Order under the hand of the Speaker of the said Assembly for the time being.

And be it hereby Enacted, That the Receipts of the Severall and respective persons before named or their Assigns shall be to the Treasurer of this Colony a Sufficient Warrant and Discharge for the same.

[CHAPTER 201.]

[Chapter 201, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford's 1709 ed., p. 108; Baskett, p. 110. Expired in 1710. See chapter 187, which is the act revived. Revived by chapter 232.]

AN ACT for Reviving an Act, entituled an Act to prevent Selling or giving of Rum or other strong Liquors to the Indians in the County of Albany.

[Passed November 12, 1709.]

PRESENT necessity requiring, Be it Enacted by the Leiut Governr Council and Assembly, and it is hereby Enacted by the Authority of the same, That one Act entituled an Act to prevent Selling or giving of Rum or other Strong Liquors to the

Indians in the County of Albany, made in the Eighth Year of the Reign of Her present Maty expired by its owne Lymittation shall be and is hereby Enacted by the Authority aforesaid to be of Force for and untill the first day of June next ensuing & no longer.

And whereas Mr John Cuyler did Farme the Excise at Albany for one wholl Year upon the Seventh Day of July last for the Sum of One hundred thirty one Pounds at which time the Prohibition of Selling of Rum and other Strong Liquors to the Indians in the County of Albany, was Lymitted by an Act of General Assembly only for three months which Prohibition is now Reviv'd, whereby the said Cuyler will be a Looser, in regard the Indians Consum'd a great deal of Strong Liquor. Be it therefore Enacted & it is hereby Enacted by the Authority aforesaid that what Damage the said John Cuyler shall sustain by this said Prohibition, shall at the Expiration of the Year be taken into Consideration by the General Assembly and allow him as they Shall think fitt and reasonable.

[CHAPTER 202.]

[Chapter 202, of Livingston & Smith and Van Schaack, where the act is printed in full. Printed in full in Bradford's 1709 ed., p. 110; Baskett, p. 111. See chapter 94.]

AN ACT to Determine Settle and Ascertaine the Bounds and Limits of the County of Orange

[Passed November 12, 1709.]

BE it Enacted by the Leiut Governour, Council and General Assembly and by the Authority of the same, That the County of Orange shall Extend from the Limitts and Confines of the Province of New Jersey, on the Westside of Hudsons River, along the said River, to the Line of the County of Ulster, and Westward, so far as Delaware River. And that the last clause wherein Wagachemeck and great and little Minisinck is menconed in an Act, entituled, an Act for the more Regular proceeding in the Elections of Representatives for the Severall Cities and Counties within this Province, be and is hereby, Repeal'd made null and void any thing to the Contrary thereof in any wise notwithstanding.

PROVIDED and it is hereby Enacted by the Authority aforesaid, That all Levys & Assessments made before the Eighteenth Day of October Seventeen hundred & nine, shall be Levy'd & paid in such manner as formerly & as if this Act had not been made.

[CHAPTER 203.]

[Chapter 203, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford's 1709 ed., p. 113; Baskett, p. 112. The act repealed is chapter 98.]

AN ACT to repeal an Act of General Assembly Intituled an Act to oblige Robert Livinston to account according to the Purport of an Act entituled an Act appointing & enabling Commissioners to take & State the Publick Accounts of this Province

[Passed November 12, 1709.]

WHEREAS an Act of Assembly was made in the Year one Thousand seven hundred & one, Entituled an Act to oblige Robert Livingston to Account according to the purport of an act Entituled An Act Appointing & enabling Commissionrs to take the publick Accounts of this Province, wherein and whereby the said Robert Livingston Stood charg'd with the receipt of the Sum of seventeen Thousand Sixty nine pounds Nineteen Shillings & two pence farthing (alledg'd in the said Act) by reason of specious pretences of his disbursements for the publick from the Year one Thousand Six hundred eighty three, to the Year one Thousand seven hundred & one of which Sum he is thereby required to give an account to the Said Commissioners Under the Penalty of forfeiture & confiscation of his Estate real & personal to that Value, he being before that time prevented of having the benefit of his Vouchers by the late Lord Bellomont who in the Year one Thousand Six hundred Ninety & eight had commanded them into his own possession from the then Clerk of the Council, was not able to finish the said Account, untill the Arrival of the Viscount Cornbury, late Governour General of this Province, who laid his commands upon the Countess of Bellamont to make restoration of the said Vouchers which was performed accordingly whereupon the Said Robert Livingston did Soon after compleat his Account of the Said Sum to the Satisfaction of the Late Governour & Council who thereupon on the Second of February one thousand Seven hundred & Two did by order of Council restore the Said Robert Livingston to the peaceable possession of his Estate reall & personal in the City of New York which had been confiscated by vertue of the aforesaid Act An an Office of inquest thereof found by the Escheator General of the Province off New York, in obedience to an order of Capt. John Nanfan Leiutenant Governour & the Council of New York.

And whereas the aforesaid Act of Assembly by another Act of Assembly of this Province made in the first year of the Reign of our Soveraign Lady Queen Ann Entituled an Act repealing several Acts of Assembly & declaring other ordinances publishd as Acts of Assembly to be void, amongst other Acts of the Next proceeding Assembly, & Sentences, judgments, decree, order, Ordinances, and Edict Entituled, made, promulgated, as Act or Acts of General Assembly, or law, or laws of this Colony, Since the first day of August one thousand Seven hundred & one, were & thereby have been declared & Enacted to be utterly & wholly frustrate, Null, & Void AND WHEREAS it has Seemed good to her Royal Majesty, since that time, to grant her Royal approbation to some or one of these laws as aforesaid, repealed, by the aforesaid Act of Assembly, in Order whereunto her Majesty has been graciusly pleased to repeal that Act Entituled, An Act repealing Several Acts of Assembly & declaring Other Ordinances published as Act of Assembly to be void, by means whereof that Act of Assembly, Entituled an Act to Oblige Robert Livingston to account according to the purport of an Act, Entituled an Act for appointing & enabling Commissioners to take & State the publick Accounts of this Province, is become reviv'd to the great danger of the Said Robert Livingston for prevention whereof.

BE IT ENACTED by the Lieutenant Governour & Council & Generall Assembly of the Colony of New York and by the Authority of the Same, that the Said Act Entituled an Act to Oblige Robert Livingston to account, according to the purport of an Act, Entituled an Act for the Appointing & Enabling Commissioners to take & State the publick Accounts of this Province & all & every Article, clause, forfeiture, confiscation, & penalty therein contained, is & shall from henceforth, be utterly void to All intents & purposes; and all Processe thereupon which has allready Issued or hereafter may issue against the said Robert Livingston & his Estate reall & personall whatsoever, is hereby likewise declared Null & void, to all intents, constructions, & purposes, & the said Robert Livingston is hereby restored unto & protected in the peaceable enjoyment of all his Estate reall & personal in New York, which he had & enjoy'd at the time of the Making of the said Act of Assembly, Entituled an Act to Oblige Robert Livingston to account according to the purport of an Act Entituled an Act for appointing & Enabling Commissioners to take & State the Publick Accounts of this Province the Said Act of Assembly or any process whatsoever, inquest or Office of Record found by the Excheator General aforesaid or any other against the Said Robert Livingston or his Estate reall & personal,

or any part thereof, or any other law or Act to the contrary thereof, in any wise Notwithstanding.

[CHAPTER 204.]

[Chapter 204, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford's 1709 ed., p. 101; Baskett, p. 102. Baskett and Bradford state that the act was published November 12, 1709. This bill is among the original acts in the office of the Secretary of State but is not signed by the Lieutenant-Governor. From the Minutes of the Council of November 1, it appears to have been passed by the whole legislature, but does not appear to have been enacted on November 12, when the acts of that session were signed by the Lieutenant-Governor. (See Journals of Legislative Council, p. 295.) Livingston & Smith and Van Schaack, seem to think that the act never became a law, and that chapter 207 provided for the same purposes, the sums in both bills being the same. This act, chapter 204, is, however, recited in chapter 222 as an act passed November 1, 1709. A copy of the bill, as printed by Bradford, is inserted here.]

An Act for the Currency of Bills of Credit for Four Thousand Pounds.

[Passed November 1, 1709.]

Be it Enacted by the Lieut. Governour, Council and General Assembly, and by the Authority of the same. That Bills of Credit, to the Value of Four Thousand Pounds, and no more, shall be current, pursuant to the value of Money specified in an Act, entituled, An Act for levying Four Thousand Pounds passed in the eighth year of her Majestys Reign, which Bills shall be in manner following, Viz.

This Indented Bill of Shillings due from the Colony of N. York, to the Possessor thereof, shall be in Value equal to Money, and shall be accepted accordingly by the Treasurer of this Colony, for the time being, in all publick Payments, and for any Fund, at any time, in the Treasury. Dated, New York, the first of November, 1709. By Order of the Lieut. Governor, Council and General Assembly of the said Colony.

Which Bills shall be signed by Robert Walter, John De Peyster, Robert Lurting and Johannes Jansen, or any three of them who are hereby appointed and directed to sign and issue the same, for payment of such of the Four hundred eighty seven Men of the Militia of this Colony, appointed to serve in the Expedition to reduce Canada, as appear, on the return of the Forces, to have served and for no other use, intent or purpose whatsoever; which Bills are, and shall be received and paid for the same value, and equal to the current Coyn passed in this Colony for Goods, or any other thing bought and sold, in any payments to be made whatsoever, and the tender of the said

Bills for paying & discharging of any Debt or Debts, Bargains, Sales, Bonds and Specialties, shall be as effectual in the Law to all intents and purposes, as if the current Coyn of this Colony has been offered and tendered to any person or persons for the discharge of the same, or any part thereof.

And be it further Enacted &c. That the said Bills of Credit shall be printed and numbered, expressing in every of them the Sum of Money they shall be current for. And to prevent Counterfeiting any of the said Bills, they shall be dated and circumstanced in all respects as the bills of Credit are, that are mentioned, expressed and made current in an Act, entituled, An Act for the currency of Bills of Credit for 5000 l. passed in the 8th year of her Majesties Reign, Four hundred of the said Bills of Credit hereby intended to be current, shall be for Five Pounds each Bill. Four hundred of the hereby intended Bills of Credit shall be for Fifty Shillings each Bill. And Eight hundred of the said Bills made current by this Act, shall be for Twenty Five Shillings each Bill, amounting to in all, Four Thousand Pounds, to be delivered by the said Signees within one Moneth after the Publication of this Act, to the Treasurer of the Colony, for the time being, to be by him paid to such of the said 487 Men of the Militia of this Colony appointed to serve in the Expedition to Reduce Canada, according to the purport, true intent and meaning of the Act herein before mentioned, entituled, An Act for levying Four Thousand Pounds, and to no other use, intent or purpose whatsoever; and to account to and with the Governor, Council and General Assembly of this Colony, for the time being, of the Receipts and Payments of the Bills hereby made current, when and as often as he the said Treasurer shall be thereunto required.

And Be it Further Enacted, &c. That for encouraging the Currency of the said Bills of Credit created by this Act, the Treasurer of this Colony, for the time being, shall and is hereby required and directed to take and receive all and everythe said Bills according to the value therein expressed, with the Advance of One Farthing for each and every Day all or any of the Bills are & shall be current for Five Pounds, from the date of the said Bills, to the Day the said Treasurer shall receive them from any part of the 4000 l. Tax raised by virtue of the said Act, entituled An Act for levying Four Thousand Pounds; And the Advance of Half a Farthing per Day on every the said Bills that are & shall be made current for Fifty Shillings, from the Date of the said Bills until they shall be paid to the said Treasurer for any part of the said 4000 l. Tax; And the Advance of One Quarter of a Farthing per Day on every

the said Bills that are and shall be made current for Twenty Five Shillings, from the Date of the said Bills, until they shall be paid to the said Treasurer for any part of the said 4000 l. Tax. And on the Receipt of each two Thousand Pounds of them said 4000 l. Tax The Treasurer shall appoint the Signees to meet him, who are hereby required and directed to meet and joyn with him to examine and compare the said Bills, and cancel the same, taking an account of the Number and Value of the said Bills so to be cancelled, as aforesaid, and keep the same on a File, in order to be further examined by the Governour, Council and General Assembly, for the time being, or such as they shall appoint, when sitting and requiring the same.

Be it also Enacted by the Authority aforesaid, That the said Signees shall take an Oath before the Mayor of the City of New York, for the time being, for their true Signing and Delivering the said Bills of Credit, according to the genuine Intent and true Meaning of this Act.

And be it further Enacted, &c. That the said Bills of Credit shall be current in all Payments, as aforesaid, until the last Day of November, which shall be in the year of our Lord 1712, and no longer. And that the said 4000 l. to be raised by the said Act, entituled, An Act for levying Four Thousand Pounds, shall be paid to the said Treasurer in the said Bills of Credit, and in no other Specie whatsoever.

And be it further Enacted by the Authority aforesaid, that the several Advances to be allowed on the said Bills shall cease and determine on all and every of them from the Day they or any of them shall be paid to and received, as aforesaid by the Treasurer of this Colony, who is hereby required to endorse the Day he received the said Bills, on some part, to prevent a further growing Advance. And such person or persons as shall be convicted of Counterfeiting any of the said Bills of Credit, shall incur the Pains and Penalties of Fellony, without the benefit of Clergy, and suffer accordingly.

For the preventing Differences, Be it further Enacted by the Authority aforesaid, That the Possessor of any Bill or Bills of Credit lawfully issued, pursuant to an Act, entituled An Act for the Currency of Bills of Credit for 5000 l. passed this Session, shall be entituled to, and be allowed from any Collector or any Collectors, appointed, or shall be appointed to collect the Tax directed to be levied by An Act, entituled, An Act for levying Six Thousand Pounds, passed this present Sessions, the Interest or Increase of Five Pounds per Cent. per annum on all or any of the said Bills, according to the true intent and meaning of the said Act.

For the better explaining An Act, entituled, An Act for levying divers Sums of Mony for defraying the Charge of this Colony, Be it Enacted by the Authority aforesaid, That it is the true intent and meaning of the said Act, that the Tenants and Occupyers therein mentioned shall bear and pay the Duty therein laid on all Chimneys, Fire-hearths and Stoves, without charging the Landlord.

And be it further Enacted by the Authority aforesaid, That Coll. Abraham De Peyster, the Treasurer, is hereby allowed and permitted to Re-imburse, detain in his own hands, and pay himself the Sum of One Hundred Pounds, out of the Excise of this Colony, which at the desire of the General Assembly he advanced to defray the extraordinary Charge of the Lieut. Governor and Gentlemen of the Council who did accompany him to Albany last July.

For the better preventing of Frauds and Differences that may arise concerning an Act entituled, An Act for Detaching 487 Men, with their Officers included out of this Colonie, Be it Enacted by the Authority aforesaid That when the Captain of any Company, who hath served by virtue of the said Act, is dead, the next Commanding Officer of that Company shall execute the Powers mentioned in the said Act to be given to the Captain.

And for the better Explaining and more Effectual putting in Execution of several Clauses in an Act of Assembly of this Colony to Detach 487 Men to go on the Expedition against Canada, Be it Enacted by the Authority aforesaid, That all the Fines and Forfeitures, arising from each respective Company, shall be paid into the hands of the Captain of the said Company, and shall be equally paid and distributed by him amongst such Person or Persons as he hath returned out of his respective Company to go on the said Expedition, and not otherwise.

[CHAPTER 205.]

[Chapter 205, of Livingston & Smith and Van Schaack, where the title only is printed. The act is not printed in Bradford or in Baskett and never became a law. The Minutes of the Council for November 1, 1709, indicate that such a bill passed the Council on that date, with amendments. (See Journals of Legislative Council, p. 292.) The bill, as amended, was considered by the Assembly, November 2, 1709, but was not passed. (See Journals of Assembly, p. 265.) Nor was the bill again considered by the Assembly during the remainder of the session. It was not signed by the Lieutenant-Governor on November 12, 1709, when the bills of that session were enacted. (See Journals of Legislative Council, p. 295; Journals of Assembly, p. 270.)]

An Act to regulate the Sale of Goods by public outcry, Auction or Vendue, in the City of New York.

[CHAPTER 206.]

[Chapter 206, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford's 1709 ed., p. 103; Baskett, p. 105.]

AN ACT for Levying Tenn Thousand Ounces of Plate or Fourteen Thousand five hundred fourty five Lyon Dollars

[Passed November 12, 1709.]

BE it Enacted by the Leiut Govr. Council & Genl Assembly & by the Authority of the same that Tenn Thousand Ounces of Plate or Fourteen Thousand five hundred fourty five Lyon Dollars be laid, Assessed raised & Levy'd upon the Estates, real & Personal of all & every the Inhabitants, Residents, Sojourners & Freeholders of & in this Colony to be paid to Colonl Abraham Depeyster the present Treasurer of this Colony or to the Treasurer of this Colony for the time being in manner following That is to say Five Thousand Ounces of Plate or Seaven Thousand Two hundred Seaventy two Lyon Dollars & a half, part thereof on or before the last Day of May which will be in the Year of our Lord One Thousand Seaven hundred & thirteen, & five Thousand Ounces of Plate, or Seaven Thousand two hundred Seaventy two Lyon Dollars & a half, remainder thereof, on or before the last day of November then next Ensuing, according to the Quota's & Proporcons herein expressed vizt

For the City & County of New York Two thousand & Seaventy five Ounces of Plate or Three Thousand & Eighteen Lyon Dollars.

For the City & County of Albany, Seaven hundred Sixty Seaven Ounces & a half of Plate, or One Thousand, One hundred & sixteen Lyon Dollars & a half.

For Kings County, Fourteen hundred Ounces of Plate, or Two thousand & thirty six Lyon Dollars.

For Queens County Seaventeen hundred & fifty Ounces of Plate or two Thousand five hundred & fourty five Lyon Dollars & a half.

The County of Suffolk One Thousand six hundred & Eighty Seaven Ounces & a half of Plate, or two thousand four hundred & fifty four Lyon Dollars & a half.

The County of Ulster Seaven hundred & Ninety Seaven Ounces & a half of Plate or One Thousand One hundred & Sixty Lyon Dollars.

The County of West Chester Seaven hundred & twenty Seaven Ounces & a half of Plate, or One thousand & fifty Eight Lyon Dollars.
The County of Richmond four hundred & Sixty Seaven Ounces & a half of Plate, or six hundred & Eighty Lyon Dollars.
The County of Orange One hundred & sixty three Ounces & three quarters of Plate or two hundred & thirty Eight Lyon Dollars and a half.
Dutchess County One hundred & sixty three Ounces & three quarters of Plate, or two hundred & thirty Eight Lyon Dollars & a half.

And be it Enacted by the Authority aforesd that the Tenn thousand Ounces of Plate or Fourteen thousand five hundred & fourty five Lyon Dollars are hereby given & Granted to her Ma'ty her heirs & Successors to be applied to such uses as the Governr Council & Assembly for the time being shall direct & not otherwise, to be raised Levyed, Collected & paid to the Treasurer of this Colony for the time being in such manner & under such pains, penalties & forfeitures mentioned & expressed in an Act passed this present Sessions, Entituled, An Act for Levying Four Thousand Pounds is Enacted, Declared, provided & Expressed to all Intents Constructions & purposes whatsoever, as if the severall Clauses, Provisions and Limitacons were at large herein recited & Incerted.

And be it further Enacted by the Authority aforesd That over & above the respective Sums before Enacted to be paid three & three Quarters P Cent be assessed, raised & paid to the respective Collectors & Two & a half P Centum to the Treasurer aforesd & that the sd Treasurer shall keep a true & Exact accounpt of all such Sum & Sums of mony as shall be by him so received, & paid, & render such an Account at all times when required to the Governr Council & Assembly for the time being, when sitting & requiring the same.

And be it Enacted by the Authority aforesd yt ye Farmer of ye Excise for the prsent Year for ye County of Ulster shall & may take receive & have all such powers benifitts proffits & Advantages in ye Levying & receiving ye sd Excise as if one Act of Generl Assembly Entituled an Act to determine Settle & Ascertaine the Bounds & Limitts of ye County of Orange passed this present Sessions of Assembly had never been made.

[CHAPTER 207.]

[Chapter 207, of Livingston & Smith, where the act is printed in full. Chapter 207 of Van Schaack, where the title only is printed. Printed in full in Bradford's 1709 ed., p. 104; Baskett, p. 106. The interest of these bills retrenched by chapter 222. (14545 Lyon Dollars equals £4,000.)]

AN ACT for the Currency of Bills of Credit for Tenn Thousand Ounces of Plate or Fourteen Thousand five hundred & fourty five Lyon Dollars.

[Passed November 12, 1709.]

BE IT Enacted by the Lt Governr Council & General Assembly and by the Authority of the same That Bills of Credit of Tenn Thousand ounces of Plate or fourteen Thousand five hundred & fourty five Lyon Dollars shall be Current pursuant to an Act Entituled an Act for Levying Tenn Thousand Ounces of Plate or fourteen thousand five hundred & fourty five Lyon Dollars passed this present Sessions, wch Bills shall be in manner following (vizt)

This Indented Bill of Ounces of Plate or Lyon Dollars due from ye Colony of N York to ye Possessor thereof shall be in Value Equal to mony & shall be accepted accordingly by ye Treasury of this Colony, for ye time being, in all publick paymts & for any Fund at any time in ye Treasury Dated in N York ye first Day of Novembr One Thousand Seaven hundred & Nine by order of ye Lt Governr Council and Generll Assembly of the said Colony.

Which Bills shall be Signed by Capt Robert Walters, Capt Robert Lurting, Capt Johannes DePeyster & Mr. Johannes Jansen or any three of them who are hereby appointed & directed to Sign & deliver the sd Bills to ye Treasurer of this Colony for the time being to be by him paid & Issued as the Govr Council & Assembly shall direct, wch Bills shall be received & paid for the same Value & equal to the Current Coyn passing in this Colony for Goods or any other thing Bought & Sold in any paymts to be made whatsoever, & ye tender of ye sd bills for paying & discharging of any Debt or Debts & Demands, whatsoever as Effectual in ye Law to all intents & purposes as the Bills of Credit are or shall be Issued by an Act Entituled an Act for the Currency of Bills of Credit for Four thousand pound passed this present Sessions

AND be it Enacted by the Authority aforesd to prevent Counterfeiting any of the s'd Bills they shall be Circumstanced as the Bills of Credit are that are menconed in & made Current by an Act entituled an Act

for ye Currency of Bills of Credit for four thousand Pounds passed this present Sessions, & three hundred of the Bills hereby intended to be Issued shall be for thirteen Ounces & three quarters of Plate, or twenty Lyon Dollars every Bill three hundred of ye sd Bills shall be Current for Eleaven ounces of Plate, or sixteen Lyon Dollars every Bill, three hundred of the sd Bills hereby designed to be Current shall be for five ounces and a half of Plate or Eight Lyon Dollars each Bill, & three hundred and thirty Seaven of ye Bills hereby designed to be Current shall be for two Ounces & three quarters of Plate or four Lyon Dollars amounting to in all Tenn thousand Ounces of Plate, or fourteen thousand five hundred & fourty five Lyon Dollars to be Delivered by the s'd Signors within a month after the publicacon of this Act to ye Treasurer of the Colony for the time being to be by him Issued pursuant to ye true intent & Genuine meaning of an Act for the Treasurers Issuing Bills of Credit to pay the present Debt of the Expedition to Canada & other uses & to account to, & with the Governr Council & Assembly for ye time being of Issuing ye Same when & as often as he shall be thereunto required.

And be it further Enacted by the Authority aforesd for making the Bills of Credit hereby to be made Current the more Effectually valuable ye Treasurer of this Colony for ye time being is hereby required & Enjoyned to receive all & Every ye s'd Bills according to ye Value therein expressed w'th ye advance of Two & a half P Cent P annum on all or any of the said Bills that are and shall be Current for Tenn Thousand Ounces of Plate or Fourteen Thousand five hundred and Fourty five Lyon Dollars from the Date of the said Bills to the Day the said Treasurer shall receive them for any part of the Tenn Thousand Ounces of Plate or Fourteen Thousand five hundred and fourty five Lyon Dollars raised by said Act Entituled An Act for Levying Tenn Thousand Ounces of Plate or fourteen Thousand five hundred and fourty five Lyon Dollars. And the Treasurer shall appoint the Signors to meet him, who are hereby required and Directed to meet and Joyn wth him to Examine & Compare ye sd Bills & Cancell them taking an accoumpt of ye Number & Value of ye Cancelled Bills and keep them to be further Examined by the Governr Council & Assembly for the time being or such as they shall appoint.

And be it further Enacted by the Authority aforesd that the said Signors shall take an Oath before the Mayor of the City of N York for the time being for their true signing & Delivering the said Bills of Credit according to the true meaning of this Act.

And be it also Enacted by the Authority aforesaid, That the said Bills shall be Current as aforesaid untill ye last Day of

February which shall be in the year of our Lord One Thousand Seaven hundred & thirteen & no longer, & that the said Tenn Thousand Ounces of Plate or fourteen thousand five hundred & fourty five Lyon Dollars to be raised by the sd Act Entituled an act for Levying tenn thousand ounces of Plate or Fourteen thousand five hundred fourty & five Lyon Dollars shall be paid to the Treasurer in the sd Bills of Credit and in no other specie whatscever.

And be it further Enacted by the Authority aforesd that the severall Advances to be allowed on the sd Bills shall cease & Determine on all & every of them from the Day any of them shall be paid to & received by the Treasurer as aforesaid who is hereby required to Indors the Day he received the said Bills to prevent a further growing Advance & that such person or persons as shall be Convicted of Counterfeiting any of the sd Bills shall incurr the pains and Penalties of fellony without the benifit of Clergy & Suffer accordingly.

And for the further Incouragemt of ye Currency of the sd Bills of Credit be it Enacted by ye Authority aforesd that every six months after the Date of the said Bills when they are paid away the possessor shall be allowed by the person or persons that receive the same at the rate of two & a half P Cent P Annum and so for Each Bill respectively for ever half Year till they shall be paid into the Collectors & Treasurers who shall allow the sd Interest proportionably for the Dates at Two & a half P Cent P Annum as aforesaid.

[CHAPTER 208.]

[Chapter 208, of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Bradford's 1709 ed., p. 112; Baskett, p. 111.]

AN ACT for an Assignment to the Lady Lovelace.

[Passed November 12, 1709.]

BE it Enacted by the Lieut Governr Council & General Assembly and by the Authority of the same, That the Treasurer of this Colony for the time being, shall pay to the Right Honoble Charlotte Lady Lovelace Baroness Dowager of Hurley or her Assigns towards the Discharge of her Extraordinary expence Twelve hundred and fifty ounces of Plate or Eighteen hundred & Eighteen Lyon Dollars out of the Colonys money in his hands not otherwise appropriated on or before the first day of January, now next ensuing & in Case of a Deficiency, then out of the first of the Colonys money, that shall thereafter come to his hands.

And be it further Enacted by the Authority aforesaid That the receipt of the said Lady or her Assigns Shall be to the said Treasurer a Sufficient Warrant & discharge for the same.

[CHAPTER 209.]

[Chapter 209, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford's 1709 ed., p. 106; Baskett, p. 108.]

AN ACT for the Treasurers Issuing Bills of Credit to pay the present Debt of the Expedition to Canada and other Uses.

[Passed November 12, 1709.]

BE it Enacted by the Leiut Govr Council and Assembly and by the Authority of the same, That the Treasurer of this Colony do Issue forth & pay to the Several persons or their Assigns hereafter nominated Bills of Credit in his hands not otherwise appropriated for the Uses hereinafter Express'd, (That is to say) To Sundry Persons as by an Accot Delivered in, by the Commissioners in the City of New York appointed for the said Expedition entituled a List of Persons names to whom money is due for provisions and other Necessarys by them for the use of the Expedition to Canada for which no Warrants are drawn: Fourteen hundred and Sixty five ounces and one Quarter of Plate or Twenty one hundred thirty one Lyon Dollars and one half.

To Severall Accots Issued by the Commrs relating to the Expedition to Canada at Albany on the Treasurer of this Colony, Eighteen hundred, Ninety Six ounces and a half of Plate or Twenty Seven hundred fifty Eight Lyon Dollars & a half to Seventeen Sawyers that served on the Said Expedition one hundred Ninety five Ounces of Plate and one Quarter, or Two hundred Eighty four Lyon Dollars.

To thirteen Carpenters Detacht out of the City of New York to serve on the said Expedition, Three hundred fifty five ounces of Plate and Seven Eights, or Five hundred and Seventeen Lyon Dollars and a half.

To an Assignment to the Lady Lovelace menconed and Express'd in an Act entitul'd an Act for an Assignment to the Lady Lovelace pass'd this present Sessions.

To Capt. Robert Walters, Capt Lawrence Read, Capt John De-Peyster and Capt Robert Lurting appointed Commrs for Managing the said Expedition in relation to purchasing and procuring Provisions and other necessaries, for their trouble in & about the same, Five hundred Ounces of Plate or Seven hundred Twenty Seven Lyon Dollars & a half & for their trouble they have and

are to take, for Signing the Bills of Credit for Five thousand Pounds untill they are Cancell'd, One hundred and fifty ounces of Plate or Two hundred & Eighteen Lyon Dollars and one third.

To Mr John Walters the Clerk to the said Commrs One hundred ounces of Plate or one hundred forty five Lyon Dollars & a half.

To Col Kilian Van Renslaer, Major Derrick Wessels & Capt. Myndert Schuyler appointed Commrs for managing the Affairs relating to the Provisions and all other necessarys for the said Expedition as hath been sent to them at Albany. Three Hundred Seventy five Ounces of Plate or Five hundred forty five Lyon Dollars and a half.

To Mr Johannes Cuyler their Clerk Seventy five Ounces of Plate, or One hundred and Nine Lyon Dollars.

To his Honour the Leiut Govr for providing Fire and Candle for the Garrison and the Guarding her Matys Fort in the City of New York untill the first Day of Aprill next, Three hundred Seventy five Ounces of Plate or Five hundred forty five Lyon Dollars and a half.

To Daniel Ebbets two Ounces of Plate or three Lyon Dollars.

To William Bradford for Printing, Twenty Eight hundred thirty Seven Bills of Credit and for the Cuts, Fifty Ounces of Plate or Seventy two Lyon Dollars and three Quarters.

To the Persons appointed to Sign the said Twenty Eight hundred thirty Seven Bills of Credit for their trouble and attending that Affair untill they shall be Cancelled Seventy Nine Ounces of Plate, or one hundred and fifteen Lyon Dollars.

To Mr John Schuyler and Mr Abraham Schuyler & their attendance one hundred Twenty five Ounces of Plate, or one hundred, Eighty one Lyon Dollars and a half and one Eighth for their Services and Expences in a Journey to Onondoge and other Indians by order of the Governmt.

To the Commrs for Managing the Indian Affairs at Albany Eighteen hundred and fifty Ounces of Plate or Two thousand Eighteen Lyon Dollars and one Quarter to be paid and apply'd to the Uses hereafter expressed, That is to Say, Six hundred and fifty Ounces of Plate or Nine hundred, forty five Lyon Dollars and a halfe to be paid Such Christians and Indians as shall be Imploy'd for outscouts for the Defence of the Frontiers this Winter.

Three hundred and Sixty two Ounces of Plate and a half, or Five hundred twenty Seven Lyon Dollars and a four penny weight of Plate for Fire and Candle for the Garrisons of Albany and Schenectady.

One hundred and Twenty five Ounces of Plate, or One hundred Eighty one Lyon Dollars and a half and four penny weight of Plate to be allowed to Such as shall perform and do the work and Mistery of Black Smiths & will Inhabite and reside this Winter with the Indians and men their Arms.

One hundred and fifty Ounces of Plate, or Two hundred and Eighteen Lyon Dollars to be dispos'd and apply'd to necessary Reparations of the Blockhouses and the building of a new one, for Lodging the Regular Troops & Guards to be kept in the City of Albany

Five hundred Sixty two ounces and a half of Plate or Eight hundred and Eighteen Lyon Dollars to be paid to Fifty Indians at Eighteen pence per Day for Sixty Days, which shall be paid by the Treasurer of this Colony to the said Commrs for the uses aforesaid.

And be it hereby Enacted by the Authority aforesaid that the receipts of the Severall and respective persons before named or their Assigns shall be to the Treasurer of this Colony a Sufficient Warrant and Discharg for the Same.

And be it further Enacted by the Authority aforesaid, That the Troop of Horse rais'd in the County of Suffolk in the three Eastern Towns in the same County, to witt, in Southold, South Hampton & East Hampton, is hereby Constituted, Confirmed and Establisht in the same manner and under the like Regulations & with Such Rights & Priviledges as any of the other Troops of Horse have in this Colony or of Right ought to have and enjoy.

And be it further Enacted by the Authority aforesaid, That the Commrs of the City of New York and Albany for the said Expedition are hereby Impowered and required to Issue their respective Warrants to the Treasurer for paying the Accots Delivered to, and allowed by this House for such Sums of mony here mentioned for which Warrants have not been already Issued.

And be it further Enacted by the Authority aforesaid that there be allowed unto Mr. David Schuyler Thirty Seven Ounces & a half of Plate or Fifty four Lyon Dollars and a half, and to Lawrence Claesen, Twenty five Ounces of Plate or Thirty Six Lyon Dollars and a half for their Journey to Onondage in May last and to be paid by the said Treasurer on Warrants to be Issued by the Commrs for the Said Expedition at Albany or any two of them.

[CHAPTER 210.]

[Chapter 210, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford's 1709 ed., p. 109. Title only is printed in Baskett, p, 110. Expired November 12, 1710.]

AN ACT for the better Watching and Guarding the City of Albany.

[Passed November 12, 1709.]

FORASMUCH as divers Officers both Civill and Military Inhabiting in the City of Albany the ffrontier of this Colony Claim a Priviledge to be Exempted and free from Watching some upon pretence of Law and others by Custome, and it being now a time of Danger, BE IT therefore Enacted by the Lieutenant Governr Councill and Generall Assembly and by the Authority of the same, That all the Civill Officers and all those that formerly have had Military Comissions and are not now in Imediate Comand, and others who are not Listed in the City Companies or Troop Inhabiting in the City of Albany (Except Ministers of the Gospell) be Obliged to List themselves in a Company, which is to be Comanded by a Captain and Two Leiutents such as the Honoble the Lieut Governr shall be pleased to Appoint out of the said Civill or Military Officers which Company is hereby Directed and Ordered to take its Respective turn in mounting and keeping the Night Guards in some Convenient place in the said City as other the Companies of the Militia of said City doe, and if any of the said Civill or Military Officers shall refuse to Accept of such Comission he or they shall fforfeit Twenty Pounds One half thereof to be Applyed towards the ffortifying the City of Albany and the other half to such p'son or persons as shall sue for the same and if any person who is not listed in the City Company's or Troop at Albany shall refuse or Neglect to List themselves in this said Company in the Space of Thirty Day's after the Publicacon of this Act shall fforfeit for such Offence Six Pounds to be Recovered and Applyed as aforesaid, and if any of the said Company shall refuse or neglect to mount the Guard in his turn and keep the Night Guard or to send a fitt Man in his Room who shall be accepted off by the Captain of the Guard such Pson shall fforfeit for each such Offence three Shillings for the behalf of the said Guard to be Levyed by Distress of the Offendrs Goods and Chattles by Warrant undr the hand and Seal of the Captain of said Company.

AND be it further Enacted by the Authority aforsd that in time of Alarm all the Inhabitants of the County of Albany (Except those of Schenectady) as well those who are listed in the

Militia Company as those who are not, doe upon the first warning come in with their Arms into the City of Albany for the Defence thereof if not prvented by sickness or other inevitable accident upon the Penalty of fforfeiting of ffifty Pounds to be Applyed One half for the ffortifyeing of the City of Albany and other half to such person or persons as shall sue for the same, any law usage or Custome to the Contrary Notwithstanding.

This Act to be in force for one year after the publication hereof and no Longer.

[CHAPTER 211.]

[Chapter 211, of Livingston & Smith, where the title only is printed. This act is not in Bradford, Baskett or Van Schaack, nor among the original laws in the office of the Secretary of State, and does not appear to have ever become a law. A bill of this title passed the Council, after having passed the Assembly, Novmber 12, 1709, (See Journals of Legislative Council, p. 294), but the bill does not appear to have been signed by the Lieutenant-Governor. (See Journals of Legislative Council, p. 295.)]

An Act for confirming certain Lands unto Col. Nicholas Bayard.

[CHAPTER 212.]

[Chapter 212, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford's 1709 ed., p. 110. Title only is printed in Baskett, p. 111. The act expired November 11, 1714.]

AN ACT for the City & County of Albany to pay the Arrears due to their representatives & for other Uses.

[Passed November 12, 1709.]

WHEREAS complaint has been made that notwithstanding Several Acts of General Assembly of this Colony to the contrary Sundry persons who have Served in General Assembly, as representatives for the City & County of Albany have been kept out of their lawfull allowance when others that have served both before & after them have been duly paid for remedy whereof & prevention of the like Abuse for the future BE IT ENACTED by the Lieu't Governour & Council & Representatives convened in General Assembly & by Authority of the Same, that the Supervisors, Assessors, & Collectors for the City & County of Albany (Excepting those of the Colony of Renselaerwyk) Shall & doe within the Space of Six weeks after Notice given, raise or cause to be raised within the Said City & County (Excepting the Colony of Renselaerwyk) upon the Inhabitants, a Sum of Money not exceeding Two hundred pounds for the payment & Satisfaction of Meyndert Schuyler for the Allowance

due to him as representative of the said City & County in the Years one Thousand Seven hundred & Two, one thousand Seven hundred & three One thousand Seven hundred & four, one thousand Seven hundred & five, one thousand Seven hundred & Six; & of John Cuyler & Peter Van Brugh for the Allowance due to them as representatives of the said City & County in the years one thousand Seven hundred & five & One thousand Seven hundred & Six in the Same Method & Manner as are provided in the Acts of General Assembly of this Colony, Entituled, AN ACT for defraying the publick & Necessary charges throughout this Province, & for maintaining the Poor & preventing Vagabonds & one other Act Entituled an Act for the better explaining & More effectual putting in Execution the aforesaid Act made in the Second Year of the Reign of our Soveraign Lady Queen Ann which Money being raised & paid to the Treasurer of the Said City & County for the time being shall be by him forthwith paid unto the said Meyndert Schuyler John Cuyler & Peter Van Brug to each of them their respective Arrears due to them for their Said Services, According to the Warrants by them respectively Obtained from the Supervisors, upon the penalty of Fifty pounds to be forfeited to her Majesty, towards the defraying the publick charge of the Government of this Province, by each Supervisor for Neglect of his duty in their behalf, to be recovered against him by action of debt in any of her Majestys courts of record within this province besides the Other forfeitures & relief, provided by the last recited Act of Assembly Against Supervisors, Assessors, Collectors, & Treasurers.

AND BE IT FARTHER ENACTED by the Authority aforesaid that forever hereafter, Assessors, Supervisors, Collectors & Treasurer in the Said City & County Shall Soe effectually take care & provide for the payment of their representatives Annually that they be paid their lawfull allowance for their services the preceding Year on or before the first day of the Month of January, in every year under the penalty & forfeiture aforesaid.

And for as much as there are wanted in the first & Second Wards of the City of Albany publick Wells of great Use for quenching & extinguishing of fire. BE IT ENACTED by the Authority aforesaid that it Shall & may be Lawfull to & for the Mayor Aldermen & Assistants of the City of Albany within the Space of Nine Months next after the publication of this Act to issue out Warrants to the Assessors & Collectors of the Said Wards respectively for the raising & Collecting of certain Sums

of Money not exceeding Thirty pounds in each of the Said Wards for the digging & building of one or more Stone Wells in each Ward for publick use in Such place of the Street & Manner as Shall be directed by the Said Mayor Aldermen & Assistants which Money the Assessors are to Assess having a Special regard to the conveniency & Nearness of Such Wells to Such & Such places & the Collectors are to Collect from the Inhabitants of their respective Wards in Manner & under the same penaltys as are provided for other Assessments & being collected Shall be paid to the Treasurer of the Said City who is to give forth the same in payments by orders or Warrants of the Said Mayor, Aldermen & Assistants for the Use Aforesaid & None other

And for the quieting & satisfying of the minds of all the Inhabitants of the Said City & County. BE IT FARTHER ENACTED by the Authority aforesaid, that forever hereafter upon the change of Supervisors & Treasurers in the Annual elections the preceding Supervisors & Treasurer shall deliver over to their Successors in their respective Offices their books of publick Accounts & other papers relating to their Said Offices by Indenture under their hands & Seals for that purpose to be made & that it shall & may be lawfull for any of the Inhabitants at any time for & during the Space of one whole Week next preceeding the day of the Annual election to view & examin their books of publick accounts of their respective Offices, which every of them is hereby required not onely to keep farely entred & Stated but to lay open for their view & examination during the Said time upon the penalty & forfeiture of five pounds for each default or Neglect against the true intent & meaning of this Act to & for the Maintenance of the poor of the said City & County to be recovered in any Court of Record within this Province. And provided Alsoe that it Shall & may be lawful for any person or persons who doe or Shall within the Space of one Year next ensuing the publication hereof think themselves agrieved by the Supervisors & Treasurers of the Said City & County, Since the first Tuesday of April one Thousand seven hundred & five to call any of the said Supervisors & Treasurers to account & to view & examin their books of account of their said Offices which the late Supervisors & Treasurers are to lay before them upon demand upon penalty of one hundred pounds to be forfeited to her Majesty her heirs & Successors, to & for the Support of the charge of the City & County where the Offence shall be committed to be recovered in any court of record within the Said Colony of New York; & that it Shall & may be lawfull for Such person or persons finding themselves injured by their or any

of their means, default or Neglect to sue for the forfeitures provided by the aforesaid Act of Assembly or any of them; and the Offender in that behalf, Shall likewise be liable within the Space of one Year next ensuing to an Action of trespass grounded on that case to the person or persons thinking themselves injured in that respect within the time of four years by past, Any law or Usage to the contrary thereof in any wise Notwithstanding

BE IT FARTHER ENACTED by the Authority aforesaid that after the publication of this Act, that it Shall & may be lawfull for the Freeholders & Inhabitants of Coxhachky & Catskill & all those living to the Southward of the Mannor of Rensselaerwyck on the West Side of Hudsons River as far as the County of Albany extends & the Freeholders & Inhabitants of that part of the Mannor of Livingston who live on the North Side of Roeloft Jansens kill or Creek And also the Inhabitants to the Northward of the Mannor of Renselaerwyck if they think fit to elect & choose yearly & every Year one Supervisor Two Assessors & one Collector for the Said Ward or precinct who Shall have the Same Power Authority Office & Function & doe perform, Execute & Serve & be liable to the Same pains & penalties as the Supervisors Assessors & Collectors within the County of Albany have, ought or are intended to have done.

And be it further Enacted by the Authority aforesaid that if any person or persons who have been Representatives for the said Citty & County at any time before the 25th day of December in the year of our Lord 1708 and have just Claim or arrears due to him or them for his or their allowance for the Service thereof, all such arrears shall be Assessed Collected and paid in the same Manner & method as is mentioned Expressed and Enacted in this present Act for the Arrears due to the said Myndert Schuyler John Cuyler and Peter Van Brugh any thing in the said Act to the Contrary thereof in any wise notwithstanding.

Provided That this Act shall be & Continue in force for & During the terme of Five Years from the publication hereof & no Longer.

THE THIRTEENTH ASSEMBLY.

First Session.

(Begun Sept. 1, 1710, 9 Anne, Robert Hunter, Governor.)

[CHAPTER 213.]

[Chapter 213, of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Bradford's 1715 ed., p. 84. Printed in full in Baskett, p. 126. See chapters 114 and 193. Revived by chapter 235.]

'AN ACT, for reviving an Act of General 'Assembly entituled, an Act for the better Setling the Militia of this Province, & making it more Usefull for the Security & defence thereof.

[Passed October 30, 1710.]

BE it Enacted by his Excellency the Governour, Council & 'Assembly, & by the Authority of the same, That one Act of General Assembly, entituled an Act for the better Settling the Militia of this Province, & making it more Usefull for the Security & defence thereof, made in the first Year of Her Maties Reign, expir'd by its own Limittation, shall be and is hereby Enacted by the Authority aforesaid, to be of force from the publication hereof; until the first day of November which shall be in the Year of our Lord, One thousand Seven hundred & Eleven, & no Longer.

And be it further Enacted by the Authority aforesaid, That during the continuance of this Act, all the Civill officers, and all those that formerly have had Military Commissions, those not in immediate Command, & others who are not listed in the City Companies or Troop inhabiting in the City of Albany (except Ministers of the Gospel) be Oblig'd to list themselves in a Company, which is to be Commanded by a Capt & two Leiu'ts, such as his Excellency the Govr shalbe pleas'd to appoint, out of the said Civill or Military Officers, which Company is hereby directed & ordered altogether to take its respective turn in mounting & keeping the night Guards in some Convenient place in the said City, as other Companys of Militia of the said city do; & if any of the said Civill or Military officers shall refuse to accept of such Commission, he or they shall forfeit Twenty pounds, one half thereof to be apply'd towards the fortifying the City of Albany, & the other half to such person or persons as shall Sue for the same; & if any person who is not listed in the City Companys or Troop at Albany, shall refuse or neglect to list themselves in the said Company, in the Space of thirty days after the publication of this Act, shall forfeit for such Offence Six pounds, to be recovered &

apply'd as aforesaid; & if any of the said Company shall refuse or neglect to mount the Guard in his turn, & keep the night Guard, or send a fitt man in his Room, who shall be accepted of by the Capt of the Guard, such person shall forfeit for each such Offence three shillings, for the use of the said Guard, to be Levy'd by distress of the offendors goods & Chattles, by warrant under the hand & Seal of the Capt of the said Company.

And be it further Enacted by the authority aforesaid, That in time of danger & alarm, all the Inhabitants of the City and County of Albany (Except those of Schenectady) as well those who are listed in the Militia Companies as those who are not, do upon the first warning come in, with their Arms into the City of Albany, for the defence thereof (if not prevented by sickness, or other Inevitable accident) upon penalty of forfeiting of Ten pounds to be apply'd, one half for the fortifying the City of Albany, & the other half to Such person or persons as shall Sue for the same; and that those Militia Companies in the County of Albany (Except Schenectady as aforesaid) with their respective officers, shall take their turn in mounting & keeping the night Guards in some Convenient place in the said City, as other Companies in the said City do, during the time of allarm, upon penalty of forfeiting for each offence three shillings, for the use of the said Guard, to be levy'd in manner as aforesaid, as also that the Civil Officers in the County, & those that are not listed in the said Militia Companys, as aforesaid, shall Enroll with the aforesaid Company of Civill & Military officers, & those that formerly have had Military Commissions and take their turn in mounting & keeping the night Guard, Equall with them, during the time of Alarm.

And be it further Enacted by the authority aforesaid, That the Officers of the two Militia Companies, & other officers in the City of Albany belonging to the Regiment, they or any other fitt officer in their roome, shall take their respective turns in mounting & keeping the night Guard, upon the penalty of forfeiting for every Offence six shillings; and that the Major shall every Evening goe the Majors Rounds, or the Captain of the Guard, upon penalty of forfeiting Six shillings, to be Levy'd by distress of the Offendors goods & Chattles by Warrant under the hands & Seal of the Colonel of the said Regiment.

And be it further Enacted by the Authority aforesaid, That for the better regulating of orders on the said Guards, a Court Marshall shall be held in the City Hall of Albany every first Monday in the Month, any Law, Usage or Custom to the Contrary notwithstanding.

[CHAPTER 214.]

[Chapter 214, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford's 1715 ed., p. 82; Baskett, p. 128. Expired, November 1, 1712. See chapter 66. Continued by chapter 367.]

AN ACT for Reviving an Act, entituled, an Act for the Regulating & returning Able & Sufficient Jurors in Tryals at Law.

[Passed October 30, 1710.]

BE it Enacted by his Excellency the Governr, Council & General Assembly, & by the Authority of the same, That one Act, entituled, an Act for the Regulating & returning able & sufficient Jurors in Tryals at Law, made in the Eleaventh year of the Reign of our late Soveraigne King William the third, of Glorious Memory, Expir'd by its own Limittacon, shall be & is hereby Enacted by the authority aforesaid, to be revived & of force, for, & untill, the first day of November, which shall be in the Year of our Lord, One thousand, Seven hundred & twelve, and no longer.

[CHAPTER 215.]

[Chapter 215 of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Bradford's 1715 ed., p. 84; Baskett, p. 125. Expired November 1, 1711. Continued by ch. 229.]

AN ACT for laying an Excise on all Strong Liquors Retailed in this Colony.

[Passed October 30, 1710.]

Be it Enacted by the Govr Council and General Assembly, and by the Authority of the same, That there shall be rais'd, Levied, Collected & paid unto Her Maty, Her Heires & Successors, from the Publication hereof, untill the first day of November in the Year of our Lord Seventeen hundred and Eleven, for and towards the Support of the Governm't, an Excise upon all Strong Liquors retail'd thro' this Colony, under the Quantity of five Gallons (Beer & Syder only excepted) to wit, The Eighth part of an Ounce of Civil, Pillar of Mexico plate, for each Gallon so retailed; & likewise, three quarters of an Ounce of the said plate for every Barrel of Beer and Syder.

And be it further Enacted by the Authority aforesaid, that the Mayor & Aldermen of the City of New York, the Mayor, Aldermen & Justices of the Peace of the City & County of Albany, & the Justices of Peace of the other Counties, within this Colony, to which they belong, or the Major part of them,

for the time being, are hereby required, authorized & Impower'd to let to Farm the aforesaid Excise in their respective Cities & Counties, by publick out-cry, Auction or Vendue, to the highest bidder, or to the several Retailers of such Liquors, as the said Mayor and Aldermen, & Justices of the Peace respectively, in such manner as they in their discretions shall think fit, for the better advancement of the Duty and Excise hereby to be granted & Levy'd, within one Month after the publication hereof. And the said Mayors, Aldermen & Justices of the Peace, as aforesaid, are hereby requir'd to take good Securitys by Recognizances, with sufficient Sureties, of all & every person or persons that shall farme the Excise, as aforesaid, with Condicon, that they pay the same quarterly, by equall & even payments, into the hands of the Treasurer of this Colony, for the time being, who is hereby appointed to receive the same; And also shall within two Months after the same Excise, or any part thereof, shalbe lett to Farme, or agreed for, Transmit to the Treasurer a true Account of the same respectively, with the Recognizances for the due payment thereof, according to the intent of this Act.

And be it further Enacted by the authority aforesaid, That if any or either of the said Mayors, Aldermen or Justices of the Peace, as aforesaid, shall neglect, deny or refuse to let to Farme the aforesaid Excise, in manner aforesaid, or to put this Act in Execution, so far as they are requir'd and Impower'd, according to the true Intent and meaning hereof, that then, he or they so offending shall each of them respectively forfeit unto Her Ma'ty, Her Heires & Successors, the full & Just Sum of Fifty pounds Current mony of New York, to be recovered in any of Her Ma'ties Courts within this Colony, by any person or person, who will & shall informe and sue for the same, by Action of Debt or Information, the One half of which Forfeitures to be to Her Ma'ty, Her Heires & Successors, to be paid into the Treasurer, & apply'd towards the Support of this Government, & the other half to the Informer.

And be it further Enacted by the aforesaid, That where there shalbe no farmer of the Excise in manner before Expres'd, the Mayors, Aldermen & Justices of the peace of the Several Cities & Counties respectively, shall & may either agree with the retailers, whom they respectively shall Lycence, at the least for the highest of Such Sum or Sums by the Year, as such Retailer or Retailers at any time formerly had or have paid, to be paid into the Treasurer quarterly, as aforesaid, or otherwise make such Retailer or Retailers enter into Recognizance, with Sufficient Suretys, for the true and due payment of the Excise hereinbefore

appointed, to be paid and granted according to the true meaning hereof.

And for the due & orderly Collecting the Excise hereby Given & Granted, Be it further Enacted by the Authority aforesaid, That all Retailers of Strong Liquors within this Colony, shall upon all their receipt of all such Liquors before expres'd & Exciseable, come to the Farmer of the Excise (if any be) or to the Mayor, Aldermen or Justices of the Peace in each Town, City & County, where such Retailer shall dwell, & make entry of all, such Liquor or Liquors as they shall buy or receive, & pay such Duties, as are hereby appointed, within Twenty four hours, or at such Convenient time as the Farmer of Excise (if any be) or the Mayor, Aldermen or Justices of the Peace respectively, shall appoint, & on default thereof all such Liquors as shall be found in any Retailers house or Warehouse, Cellar or other place, belonging unto him, her or them within this Colony, & have not been duely entred and paid the Duties of Excise, as aforesaid, then & in such Case, upon Conviction by Oath of one or more Credible Witness, before any Justice of the peace within this Colony, the said Retailer or Retailers so offending in the premisses, shall forfeit all such Liquors, & three times the value thereof, the one Moiety to Her Maty, Her Heirs & Successors, to be paid to the Treasurer of this Colony, for the time being, for & to be apply'd towards the Support of this Governm't, & the other half to the person that will Sue for the same before any Justice of the peace in this Colony, who is & every of them are hereby requir'd & Impower'd Summarily, & at his discretion Solely to hear & determine the same, & to Issue his warrant for seizing all such Liquors to be forfeited, as aforesaid, & for Comitting to the Comon Jaile all such Retailers of Liquors who have not entred & paid the Duties aforesaid, & shall be so Convict thereof, there to remaine w'thout Baile or Mainprize, untill they shall Sattisfy & make paym't of three times the value of such Liquors Seiz'd & forfeited, as aforesaid, as also for the arresting & Causing to be brought before him, any person or persons inform'd against for retailing without Lycence, provided, He Her or they have Lyberty to appeal to the next Sessions of the peace, giving Sufficient Security to answer the Same.

And be it further Enacted by the Authority aforesaid, That if any person or persons within this Colony, not being duely Lycenc'd, shall either by Land or by water at any time presume to Sell by retail any Strong Liquors, that is to say, any Quantity under five Gallons, as aforesaid, the person or persons so offending shall pay the sum of Ten pounds, Current money aforesaid, for every such offence, being thereof Convicted in manner aforesaid, to be apply'd & paid as aforesaid.

And be it further Enacted by the same authority, & it is the true intent & meaning of this Act, That no Retailers of Liquors under five Gallons, or any other that Shall Sell any Strong Liquors, shall receive any such into their Houses, Cellars or Warehouses, or into any other place in the Cities of New York & Albany, but by the hands of the Sworne Porters, under the penalty aforesaid, to be recovered for the uses & in the manner & forme aforesaid, to the Intent the said Porters shall so often as thereunto requir'd by the Farmer, if any be, or proper Officer or Officers of Excise, give & render upon his or their Corporall Oaths, a true & Just Acco't to the best of their knowledge, of all such Liquors delivered by them to any such Retailer, under the penalty of being turn'd out of his place and office.

And be it further Enacted by the authority aforesaid, that no Retailer of Strong Liquors within this Colony shall Sell any Strong Liquors to any Negro or Indian Slave under the penalty of Forty Shillings for every such offence, to be recovered before any one of Her Ma'ties Justices of the peace, by him or her that shall sue for the Same, & to be apply'd as aforesaid.

And be it further Enacted by the authority aforesaid, That no person or persons enabled to sue for any [penalty, by vertue of this Act, shall Compound, remit or make any abatement of or for any of the] penalties herein menconed, but that the Same be prosecuted to effect, and paid and apply'd as hereinbefore Express'd.

And be it also Enacted by the Authority aforesaid, That Lyon Dollars and half Dollars shalbe received & be of equall value to thirteen penny weight & Eighteen Grains of Civill, Pillar & Mexico Plate, as aforesaid, for each Dollar, for the Duty hereby intended to be rais'd.

And be it further Enacted by the Authority aforesaid, That the said Treasurer shall pay & apply the mony by this Act [to be rais'd in Such manner, & to Such uses only, as by Act] of General Assembly hereafter to be made for that purpose, shall be Lymitted and Express'd.

And be it further Enacted by the same authority, That the Mayor & Aldermen of the Burrough Towne of West Chester are hereby Empowered & requir'd to lett to Farme the Excise in the said Burrough Towne, in the same manner, & under the same Regulations as the Mayor and Aldermen of the City of New York, or the Mayor & Aldermen of the City of Albany, are by this Act Empowered, directed & required to do.

[CHAPTER 216.]

[Chapter 216, of Livingston & Smith and Van Schaack, where the act is printed in full. Printed in full in Bradford's 1715 ed., p. 82; Baskett, p. 128.]

'AN ACT for the better Settlem't and 'Assureing of Lands in this Colony

[Passed October 30, 1710.]

BE IT ENACTED by the Governr, Council and Assembly, and by the Authority of the Same, That every person or persons, Bodys Politick and Corporate, Citys or Towns, who by Themselves, their Tennants or Servants, or his or their Assignee or Assigns, Grantees Their Ancestors, Predecessors or others under whome they Claime, have been Seized to their owne use or uses, or taken the Rents, Issues and proffits of any Messuages, Houses Tenem'ts Lands and Hereditaments Whatsoever in this Colony and Plantation in his or their own proper Right, for the Term and Space of Ten Years now last past, & Shall so Continue whether in their own persons, their heirs, Successors or Assigns, or by any other person or persons under them, in possession, as aforesaid, without any Claime either by Actual Entry and possession thereupon Continued, or Suite to be prossecuted to Effect, untill the first day of September in the year of our Lord Seventeen hundred & Thirteen Shall from and after the Said ffirst day of September, and forever be Adjudged, Deemed and taken to be the True, Rightfull and Lawfull Owner of Such Messuages, Houses, Lands, Tenements and hereditaments Respectively, and Shall and may have, hold and Enjoy the Same, any Claime, Right, Title, Demand or Pretence to the Contrary thereof by or from any person or persons, Bodys Politick and Corporate whatsoever, in Any Wise Notwithstanding. Provided, That Niether this Act nor any thing therein contained shall Extend or be Construed to the prejudice or Barr of any person or persons who shall before the said ffirst day of September Seventeen hundred and thirteen, Commence any suit for any Lands, houses, Tenements or hereditaments in this Colony, and afterwards prosecute the same to Effect, Nor to the Prejudice of any Mortgagee or Lessee, whose Mortgage or Lease shall be Recorded in the Secretary's office of this Colony before the said first day of September Seventeen hundred and thirteen

Provided also That neither this Act nor any thing therein Contained, shall be Extended or Construed to the prejudice or hindrance of any person or persons under Age of One and Twenty years Marryed Women, not of Sound mind, Imprisoned, or beyond the Seas. Provided Such person or persons within Three years

after his or their Coming to the Age of One and Twenty years, being unmarryed, becoming of Sound mind, Liberty, or Return into this Plantation and Colony, do make their Actual Entry, or bring their Suite, as aforesaid, otherwise to be utterly debar'd, and Excluded from any Entry, Claime, Suite or Demand Whatsoever

AND whereas by many Accidents the Deeds and Writings relating to Estates Some time have been and may hereafter be Destroyed, Consumed, and Lost Whereby The Lawful and Rightfull Owner of any Lands, Messuages, Houses, Tenements, and Hereditaments may be Exposed to many doubtful, Expensive and Vexatious Suits, and other Inconveniences, for the Preventing Whereof BE IT ENACTED by the Authority aforesaid, That all and every Deed or Deeds, Conveyance or Conveyances and Writings relating to the Title or Property of any Lands, Messuages, Tenements or hereditaments within this Colony which have been already or Shall be hereafter Executed, being Duly Acknowledged & Recorded in the Secretarys office of the Said Colony, or in the County Records where Such Lands are Scituate and being, Such Deed or Writing so Recorded, or Transcript Thereof, Shall be good and Effectual Evidence in any Court of Record within This Colony, to all Intents and purposes, as if the Original Deed or Deeds, Conveyance or Conveyances and Writings was or Were produced and proved in Court.

AND be it further Enacted by the Authority aforesaid, That the Dutch Word Onroerende, and the Word Vaste Staat, which are Commonly Rendred into English by the Words Immovable and fast Estate, by which in the Dutch Language is understood a Real Estate, houses, Lands and Tenements, and other Real Estate of Inheritance, And are used in any Dutch Antenuptial Contract or Law Will & Testament, or Deed or Deeds made in this Colony, and Duly Executed before Two or More Credible Witnesses at any time before The Publication of this Act, Ought therefore to be Understood of A Real Estate, And That the Parties who have Or Claime any Right to any Real Estate, or part thereof, within this Colony, by Virtue of the aforesaid Dutch Words, or either of them used in Such Dutch Antenuptial Contracts, or Wills and Testaments, Or Deed or Deeds, as aforesaid, Shall and may Enjoy the Same to his or their Heirs and Assigns for Ever, in as full And Ample Manner as if the Devise, Deed, Grant or Conveyance was made by the Words Real Estate, Lands or Tenements, and Sue for the Same, in her Majesties Courts within this Colony, and Recover Possession Accordingly, any Law Usage or Custome to the Contrary hereof in any Wise Notwithstanding.

[CHAPTER 217.]

[Chapter 217, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford's 1715 ed., p. 83; Baskett, p. 130. The act referred to is chapter 124, revived by chapter 174.]

AN ACT to repeal a Clause in an Act, entituled, an Act agst Forging, Counterfeiting & Clipping of Forreign Coyn, which is Current mony in the Colony of New York.

[Passed October 30, 1710.]

Be it Enacted by the Goven'r, Council & Assembly, & by the authority of the same, That whatever is contained in an Act, entituled, an Act against Forging, Counterfeiting and Clipping of Forreign Coyn, which is Current mony in the Colony of New York, so farr as it relates to Clipping only, is hereby Repeal'd, Vacated, annulled, made void, & of none Effect, to all Intents, Construccons and purposes whatsoever, as if the Same had never been made.

And be it further Enacted by the authority aforesaid, That all Clippings of Forreign Coyn, Current in this Colony, that shall make up the weight of mony rece'd or paid, shall have the appearance of the Stamp of the said Forreign Coyn, on Some part of the said Clippings.

PROVIDED always, And it is hereby Enacted by the authority aforesaid, That no Dollars or half Dollars or any other Coyn, then Spanish Coyne of Civil, Pillar & Mexico Plate, is permitted by this Act to be Clipp'd, any Law to the Contrary thereof in any wise notwithstanding.

[CHAPTER 218.]

[Chapter 218, of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Bradford's 1715 ed., p. 84. Printed in full in Baskett, p. 125. Expired, May 1, 1713. See chapters 194 and 230.]

AN ACT for Continueing An Act for laying a Duty on the Tonnage of Vessells & Slaves.

[Passed October 30, 1710.]

BE IT ENACTED by the Governour, Councill and Assembly, And it is hereby Enacted by the Authority of the same, That one Act, Entituled An Act for laying a Duty on the Tonnage of Vessells & Slaves, made in the Eighth year of her Majties Reign, shall be of force and Continue untill the first day of May, which shall be in the year of our Lord One Thousand Seaven hundred and Thirteen.

And for the better Collecting the said Duty, & more Effectual putting the said Act in Execution, BE IT ENACTED by the Authority aforesaid, That every Master or Commander of any Ship or Vessel, the One half thereof not belonging to the Inhabitants of this Colony (Coasting Vessells belonging to the Massachusetts, Rhoad Island Connecticut and the Jersey Excepted) That shall arrive and come into this Port or harbour, Shall within Twenty ffour hours after Such his Arrival repair to the Officer Appointed to Collect the said Duty, provided Notice Given by said Officer, and then and there produce to the said Officer the Register of his Ship or Vessell to be perused, and if required, to give a true Copy of the Register of such Ship or Vessell to the Said Officer, Attested by the said Master or Comander, within Twenty four hours after such request, under the penalty of ffive Pounds Current money of this Colony for every Such Delay, denyal, neglect or refusal to Comply with this Act.

And be it further Enacted by the same Authority, That every Master or Commander of such Ship or Vessell, lyable to pay the said Duty, shall be Obliged and is hereby required to Report upon Oath before the Mayor or any of the Aldermen of the City of New York, the Dimensions of his Ship or Vessell as is mentioned and Expressed in the said Act, and produce and give the same to the said Officer within Six days after the arrival of Such Ship or Vessell within the said Port or harbour, under the Penalty of ffive Pounds Currant money of this Colony.

And be it further Enacted by the Authority aforesaid that every Master or Commander of any Ship or Vessell shall within Twenty ffour hours after the Arrivall of his Vessell in the harbour or Port aforesaid, on notice given him by the said Officer, make oath before the Mayor or any of the Aldermen aforesaid, who are required and Impowered to Administer the same, what Number of Slaves are brought or come into the said Port in his Sloop or Vessell, and for his delaying, denying, neglecting or refusing to make Oath, as aforesaid, within the time hereinbefore limitted and Expressed, Shall fforfeit and pay the Sume of Twenty pounds Currant money aforesaid.

And for the more Orderly and Easier Collecting the said Duty by the said Act Impos'd, Be it further Enacted by the same Authority, That all the penaltys and forfeitures menconed in the said Act, and herein Express'd, Shall be recovered in the same manner as is menconed in the said Act, or in the Mayors Court of the City of New York, who are hereby required Sumarily to hear and determine the same, on the Oath of One Credible Wittness or Confession of the party offending, under the Penalty of Tenn Pounds Currant money of this Colony, to be recovered in

the Supream Court of Judicature in this Province, by Bill, plaint or Informacon, where no Essoin, Protection, wager of Law, or any more then one Imparlance shall be allowed.

And be it further Enacted by the Authority aforesaid, That all Vessells that have or shall be built in any part of this Colony, shall not be lyable to pay the said Duty of Tonnage for the first time they shall Enter and Cleer out.

[CHAPTER 219.]

[Chapter 219, of Livingston & Smith, and Van Schaack, where the title only is printed. Title only is printed in Bradford's 1715 ed, p. 84. The act is not in Baskett. Expired, November 25, 1713.]

AN ACT to prevent the burning of Woods.

[Passed, November 25, 1710.]

BE IT ENACTED by the Govern'r, Council & General Assembly, and by ye Authority of the Same, That every person or persons whatsoever, That Shall from and after the ffirst day of January next following, in the County of Suffolk, Queens County or Kings County, City and County of New York, Set on fire any uplands, plains, Woods, Trees, Shrubs, under-woods or bushes, Standing, being or Growing in the Respective Countys above Said, Shall forfeit and pay to Her Majesty, Her Heirs and Successors Forty Shillings current money of this Colony, to be forthwith paid by Such Offendor or offenders, upon Conviction before any Justice of Peace in this Colony, for the time being, who is hereby impowered and required to hear and Determin the Same, by the oath of One or more Credible Witnesses, or Confession of the Party So Offending, that he or they have Committed the Said offence, and on his or their Refusal to pay the Said Forfeiture, to be committed by Warrant from the Justice of the Peace, to the Common Goal untill he or then Shall pay the Same, the One half of the Said Forfeiture to be paid to the Treasurer of this Colony, for the time being, for & Towards the Support of this Governm't, and the other half to him that Shall be damnified, and that Shall Sue for the Same, besides Such p'son or p'sons being liable to An Action on the Case for any Damage that Shall be Sustained by any p'son whatsover, who Shall by the willfulness or negligence of any other person be Spoiled or hurt by any Such firing. This Act to be in Force for Three years from the publication hereof, and no longer.

[CHAPTER 220.]

[Chapter 220, of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Bradford's 1715 ed., p. 84. The act is not in Baskett Expired, November 25, 1713.]

AN ACT for Repairing of the Block-houses Platforms and other the ffortifications of the City of Albany and the Town of Schonectady in the said County.

[Passed, November 25, 1710.]

FORASMUCH as the Safety, good and wellfare of the City of Albany does greatly Depend on the Repairing the ffortifications of the same, Be it therefore Enacted by his Excellency the Governour, Council and Representatives now in General Assembly, Conven'd, and by the Authority of the same, that the Sum of Four hundred Ounces of Plate, Which is hereby Given and Granted to her maj'tie, her heirs and Successors, be laid, Assessed, raised and levyed upon all and every the Inhabitants, Residents, Sojourners and ffreeholders of the City and County of Albany, and the several Mannours and Jurisdictions thereof (The Town of Schonectady, its Out-farms and Dependencies only Excepted) to be Imployed by the Mayor, Aldermen and Justices of the Peace, or the Major part of them, or such as they shall appoint of the said Citty and County, for the Repairing of the Block-houses, Platforms and other the ffortifications of the City of Albany, within the time of Two Years next and after the Publication of this Act, to be paid unto the Treasurer of the said County of Albany, for the time being, to be disposed of by Warrant under the hands and Seals of the Justices of the Peace of the said Citty and County, or the Major part of them, for the time being, for the uses and purposes aforesaid, and to no other use or purpose whatsoever.

And Be it further Enacted by the Authority aforesaid, That for the better Assessing, Collecting and paying the Quantity of Four hundred Ounces of Plate, as aforesaid, the Mayor, Aldermen and Justices of the Peace of the said City and County, or the Major part of them, do at such times and places, after the Publication hereof, Assemble and meet together in the Court-House of the said City, or such other place or places as they shall Agree amongst themselves, and shall there order that the Assessors and Collectors for the said City and County, Mannours and Jurisdictions (the Assessors and Collectors of Schonectady Excepted) for the time being, for the Assessing, Collecting and

receiving of the Publick Rates for defraying the publick and necessary Charge of the same, be the Assessors and Collectors for the Assessing, Collecting and Receiving the Quantity of Plate hereinbefore mentioned, in two distinct Payments, in such proportions, and at such times, within the Town aforesaid, as unto the said Mayor, Aldermen and Justices, or the Major part of them shall seem meet and reasonable.

AND Be it further Enacted by the Authority aforesaid, That the said Mayor, Aldermen and Justices of the Peace have and shall have power and Authority, by Virtue of this Act, each of them by himself, to Administer an Oath to the said Assessors, well and truly, Equally and Impartially, and in due Proportion, as it shall appear to them, according to their best understanding, to Assess and Rate the Inhabitants, Residents, Sojourners and ffreeholders of the respective places, Mannors and Districts for which they shall be Assessors.

AND BE IT further Enacted by the Authority aforesaid, That if any person or persons, who shall be Chosen Assessors or Collectors, shall deny or neglect to Assess, or refuse to make such Assessment, as by this Act is required, or shall deny, neglect or refuse to Collect any Sume or Sumes of Money, in form before mentioned Assessed, that then and in such Case, it shall and may be lawful for any two of Her Majesties Justices of the peace of the said City and County, and who by virtue of this Act are required and Impowered to Do the same, by Warrant under their hands and Seals, to Commit such Assessors or Collectors so Denying, neglecting to Assess, or refusing to Collect, as aforesaid, to the Common Goal, there to remain without Bail or Mainprize till he or they shall make fine and ransom to her Majesty for such his contempt aforesaid.

AND BE IT further Enacted by the Authority aforesaid, That if any person or persons, of what degree or quality soever they shall be, within the said City, County, Mannors and Jurisdictions aforesaid, who shall be Assessed or Rated any Quantity of Plate, by virtue of this Act to be raised and laid, shall deny, refuse or delay to pay and Satisfy the same, that then it shall and may be Lawful for any such Collector, by Virtue of a Warrant under the hand and Seal of any of the said Mayor, Aldermen or Justices of the Peace of the said City or County, who by Virtue of this Act are required and authorized to grant and Issue forth such Warrant to levy the same by distress and Sale of such person or persons Goods and Chattles, returning the over-plus (if any be) to the Owner the Quantity of Plate Assessed, and Charges of Distress being first Deducted.

AND BE IT further Enacted by the Authority aforesaid, That if the said Mayor, Aldermen, Justices of the Peace, or any of them who are hereby required, Impowered and Authorized to take Effectual care that this Act and every Clause therein be duly Executed, according to the true and Genuine Sence thereof, shall deny, refuse, neglect or delay to do, perform, fullfil and Execute all and every, or any of the powers, duties and authoritys by this Act required and Impowered by him or them to be done, performed, fullfilled and executed, and shall thereof be lawfully convicted before any of her Majesties Courts of Record in the said City and County, he or they shall suffer such pain by fine and Imprisonment, as by the Discretion of the Justices of the said Courts be Adjudged.

AND BE IT further Enacted by the Authority aforesaid, That if any Action, Bill, Plaint or Information shall be brought, moved or prosecuted at any time hereafter against any person or persons, for any matter, cause or thing done or Acted in pursuance or Execution of this Act, such person or persons so sued or prosecuted in any Court whatsoever, shall and may plead the General Issue, Not Guilty, and Give this Act and the Special matter in Evidence. And if the plaintiff or prosecutor shall be non-Suited, or forbear further prosecution, or suffer discontinuance or Verdict to pass against him, the Defendant or Defendants shall have Treble Costs, for which they shall have the like Remedy as in cases where Costs by Law are given to Defendants.

PROVIDED always, That no Mayor, Alderman or Justice of the peace shall be Troubled, Sued, prosecuted or Molested for any Omission, Offence or neglect by virtue of this Act, but within the space of one Year after such Omission, Offence or Neglect, and not at any time there-after, any thing herein contained to the contrary hereof Notwithstanding.

AND WHEREAS it is very necessary that there should be publick Wells appointed and made in the Several Wards of the City of Albany, and there being at this time none in the first and Second Ward thereof, Be it therefore Enacted by the Authority aforesaid, That it shall and may be lawful to and for the Mayor, Aldermen and Comonalty of the said City, within the space of Six Weeks next and after the Publication of this Act to Issue out Warrants to the Assessors and Collectors of the said Wards respectively, for the raising and collecting of a Certain Quantity of Plate, not Exceeding Seventy and five Ounces in each of the said Wards, Which is hereby Given and Granted to her Majesty, her heires and Successors, to be paid by the Inhabitants there,

and deducted out of their Landlords Rent, in such ways and manners, and in such proportions, as unto the said Mayor, Aldermen and Commonalty shall direct, to be paid to the Treasurer of the said City on or before the first of June, which shall be in the Year of our Lord One Thousand Seaven hundred and Eleven, to be imployed for the making two publick Stone or Wooden Wells, One in each of the said Wards, at such places in the same, as unto the said Mayor, Aldermen and Commonalty shall seem meet, and for no other use whatsoever. And the said money is to be paid out for the uses aforesaid, by the said Mayor, Aldermen and Commonalty, by Warrant under the Common Seal of the said City, signed by the Mayor.

AND BE IT further Enacted by the Authority aforesaid, That the said Quantity of Plate, not exceeding Seventy five Ounces in each Ward, shall be raised, Collected and paid in the same and like manner, and under the like pains and penalty's as before in this Act is prescribed for the raising of Four hundred Ounces of Plate, as aforesaid.

AND BE IT further Enacted by the Authority aforesaid, That the Justices of the Peace of the County of Albany, living at Schonectady, are hereby fully Impowered, for the time of Two Years, next and after the Publication hereof, by Warrant under their hands & Seals, to order the Assessors of the said Town and precincts, for the time being, Equally and Impartially to Assess the Inhabitants thereof, to Cut, ride and set every Man his proportion, he shall be Asses't, of Pallisadoes for the ffortifications of the said Town, as they, from time to time, shall judge needfull for the Defence thereof, under the like pains and penalty's as before in this Act is Expressed, and as if a Tax, payable in Money, had hereby been levyed for the same, any Law, Usage or Custom to the Contrary hereof in any ways Notwithstanding. This Act to Remain in force for the Space of Three Years after the Publication hereof, and no Longer.

[CHAPTER 221.]

[Chapter 221, of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Bradford's 1715 ed., p. 84. Printed in full in Baskett, p. 130.]

An Act to Collect the Arrears of Taxes.

[Passed, November 25, 1710.]

BE IT Enacted by the Governour Council and Assembly and by the Authority of the same, That the Severall Collectors of the

Severall Countys Citys Towns Mannors Libertys and Jurisdictions in this Colony who were and have been at any time heretofore Chosen and Appointed to Levy and Collect all or any part of the Taxes raised within this Colony since the twenty seaventh Day of September which was in the Yeare One thousand seaven hundred and Six untill the Publication of this Act or in case of Death or removal the Collector or Collectors for the Time being, shall and are hereby directed required and Impowered to Levy and Collect the Arrears of all or any part of the said Taxes according to then Several Assessments thereof made, of and from the Several and respective persons, in the Several and respective Citys, Towns, Mannors, Libertys and Jurisdictions in this Colony, chargeable therewith, who have not paid all, or still are in arrears for the said Taxes, or any part thereof; and the Sums so Levied and Collected, with the Sums now remaining in any Collectors hands, of any Assessment, shall forthwith be paid to Collonell Abraham De Piester, the Treasurer of this Colony, to be issued and paid according to the Laws of this Plantation.

AND BE IT further Enacted by the Authority aforesaid, That the said Collectors, and every of them, shall have the same powers and Authoritys, privileges and Advantages for the putting this Act in Execution, and be liable to and undergo the same pains and penalties, in Case of any Omission, Neglect or abuse, as the Collectors in any or all the Acts of General Assembly are invested with, or liable unto, as if the Same were Specially and particularly at large mentioned in this Act.

AND BE IT further Enacted by the Authority aforesaid, That the Arreares of the Excise of the last Year, due by the Several Cities, Towns, Mannors, Burroughs and Countys of this Colony, be paid unto the said Treasurer, within the Space of one Month after the Publication hereof, under the penalty of Forfeiting double the Sum in Arrear by the person making default contrary to the Intent of this Act, to be Recovered by the Treasurer of this Colony by Action of Debt, in any of Her Majesties Courts in this Colony, and to be apply'd towards defraying the necessary Charge and Support of the Government.

[CHAPTER 222.]

[Chapter 222, of Livingston & Smith, where the act is printed in full. Chapter 222, of Van Schaack, where the second paragraph only of the act is printed. Title only is printed in Bradford's 1715 ed., p. 84; Baskett, p. 130.]

An Act to Retrench the Growing Interest of Bills of Credit.

[Passed, November 25, 1710.]

BE it Enacted by the Governour, Council & Assembly, & by the authority of the same, That from and after the first day of November, in this present Year, there shall not be allowed, received or paid by the Treasurer of this Colony, for the time being, or by any other Person or Persons whatsoever, any Interest, Increase or Use on any of the Bills of Credit, Enacted to be Currant in this Colony, by Virtue of one Act of General Assembly, pass'd in the Year of our Lord, Seventeen hundred and Nine, entituled, An Act for the Currency of Bills of Credit for four Thousand pounds, or by Virtue of one other Act of General Assembly pass'd in the same Year, entituled, an Act for the Currency of Bills of Credit, for Ten Thousand ounces of Plate, or Fourteen thousand five hundred forty five Lyon Dollars, any thing in those Acts, or any other Law or Statute to the Contrary hereof, in any wise notwithstanding.

AND BE IT hereby declar'd and Enacted by the same Authority, That Col. Abraham De Peyster, Treasurer of this Colony, and every Treasurer of this Colony, for the time being, is and always shall be Oblig'd & Lyable to render and give accot of all publick Levys coming to his or their hands, to the Govern'r Councill and Assembly when Sitting and requiring the Same.

[CHAPTER 223.]

[Chapter 223, of Livingston & Smith and Van Schaack, where the act is printed in full. Printed in full in Bradford's 1715 ed., p. 84. The act is not in Baskett.]

An Act to enable the Precincts of Islip, in the County of Suffolk, to Elect two Assessors, a Collector, Constable and Supervisor.

[Passed, November 25, 1710.]

BE it Enacted by the Governour, Councill and Assembly, and by the Authority of the same, That from and after the Publication of this Act, it shall and may be Lawful for the Inhabitants

of the Districts & Precincts of Islip, in the County of Suffolk, on the South side of Long Island, from the Westermost Limits of the Land of Thomas Willets, to the Eastermost part of the Lands of William Nicoll, near Blew Point, and they are hereby Impower'd & required Annually to Elect & Choose, among them, two Assessors and a Collector, to Assess and Collect such Taxes as shall be now or hereafter laid or Impos'd on them, & a Constable and Supervisor, for keeping the Peace & Auditing their Publick Accounts, at the usual time the County of Suffolk hath or shall do.

THE THIRTEENTH ASSEMBLY.

Second Session.

(No acts were passed at this session.)

THE FOURTEENTH ASSEMBLY.

First Session.

(Begun July 2, 1711, 10 Anne, Robert Hunter, Governor.)

[CHAPTER 224.]

[Chapter 224, of Livingston & Smith and Van Schaack, where the title only is printed Title only is printed in Bradford's 1715 ed., p. 88; Baskett, p. 133.]

An Act for raising fforces to assist in the Expedition to Canada.

[Passed, July 11, 1711.]

BE IT Enacted by the Governour Council and General Assembly and by the Authority of the Same, That Six hundred Men including their proper Officers shall be raised in this Colony, One hundred whereof by His Excellencies Leave are to be Palatines, One hundred and fifty thereof to be Native Indians, to be ready to Embark for Albany at such time and place the Governour shall direct, in Order to march on the Expedition to Canada, which Men shall be Levyed in the manner following Vizt:

From the City of New York — Five and fifty Men.
The City and County of Albany — Fifty Men.
The County of Ulster — Thirty Men.
The County of Suffolk — Sixty Men.
Queens County — One and Sixty Men.
The County of Richmond — Sixteen Men.
The County of West Chester — One and thirty Men.

Kings County — One and twenty Men.
The County of Orange — Three Men.
Dutches's County — Six Men.

And there be also appointed by His Excellency one Colonell, a Major, an Adjutant, a Chaplain, eight Lieutenants from Europe, three Surgeons, two Captains and four Lieutenants to the Palatines. For the more effectual raising the said Men according to the Quota's and Proportions herein express'd.

BE IT ENACTED by the Authority aforesaid, That the Colonell of Each respective City or County, or the next chief-Commanding Officer for the Counties where there is no Colonell, shall and are hereby required, impowered and Commanded immediately after the Publication of of this Act to Issue their Orders to the respective Captains or other Commission-Officer both of Horse and Foot in their respective County's, requiring them to Issue forth their Orders to their Serjeants or Corporals to Warn all the male Inhabitants Residents and Sojourners in Each respective City, Town and Mannor, where they belong, that are listed or liable to be listed in the Militia of Horse and Foot, to appear at such a certain time and place as the respective Captains or other Officer shall appoint within the Time above limited, which said Captains are hereby required then and there to take an exact List of all and every the names of the appearers, and the person or persons so refusing or neglecting to make his appearance as abovesaid shall forfeit and pay to their respective Captain Six Pound Current Money of this Colony to be imployed and paid equally among such person or persons that shall go upon the said Expedition out of each Company respectively and to be levied by Warrant under the Hand and Seal of the Captains of the said Company's under which the said Defaulters properly belong or are listed, directed to any Serjeant of that Company, who is hereby required to Execute and Levy the said forfeiture on the Goods and Chattles of all and every such offendor or offendors; And in Case such Serjeant or Serjeants shall neglect or refuse to execute the said Warrant, he or they shall forfeit respectively for each offence the Sum of Ten pounds Current money aforesaid, to be levied and applied as aforesaid, and where no effects of the person or persons refusing or neglecting to appear as aforesaid can be found, he or they shall suffer Six Moneths Imprisonment, there to remain without Baile or Mainprize, untill he or they shall pay or Satisfie the said forfeiture.

AND BE IT further Enacted by the Authority aforesaid, That for the more equal detaching the Men hereby appointed to go on the said Expedition, [the Captain or other Officers shall and are hereby impowered respectively to Detach and Return to his Colonell or other Cheif Commanding Officer his equall Quota or proportion as shall be appointed by the said Colonell or Cheif Commanding Officer out of his said Company to go upon the said Expedition] to Canada, and those whom the said Captain or other Officer shall return so to go shall be paid and allowed eighteen pence per Day and their provisions to be duly paid to them their Executors or Administrators from the Time they are detach'd, not exceeding one hundred Days; And for the Encouragement of persons to list themselves as private Centinels to go on the said Service shall be punctually paid the Sum of Three Pounds and be allowed as aforesaid, to be paid to them, and every Volunteer in each respective Company shall be esteemed and taken as part of the Quota of Such Company.

AND BE IT further Enacted by the Authority aforesaid, That such person or persons that shall be returned by the Captain or other Officer as aforesaid to go, shall deny or delay to go on the said Expedition, or neglect or refuse to find and provide such an able and effective Man as the Captain he is to go under shall approve and accept of, shall forfeit and pay Twenty Pounds Current Money of this Colony, to be immediately levied by distress and Sale of his and their Goods and Chattels by Warrant as aforesaid, to be paid to such person as will voluntarily go in the stead of any person refusing to go as aforesaid, and where no effects can be found, the person and persons so offending shall be committed to Jaile there to remain untill he or they shall pay or Satisfy the Penalty aforesaid, which the Sheriff of every respective County shall and is hereby required to take into his Custody and keep close Prisoners during the said time of Six Moneths.

AND BE IT Enacted by the same Authority, That all and every person or persons as aforesaid which are absented or gone out of the Colony or are absconded from their Abode or Habitation, so that the Serjeant or Corporall Going to their Abode in Order to Give them Notice of their appearing, shall be respectively liable to the forfeiture of Six pounds as aforesaid, to be paid and applied as aforesaid, All which fforfeitures being distrained by the said Serjeants or Corporalls of the Troops shall be exposed to Sale by way of publick Outcry, the fforfeitures and charges thereof being paid and Satisfied, the overplus shall be returned to the Owner.

AND BE IT further Enacted by the Authority aforesaid, That there shall be allowed Eighteen pence per Day Current Money of this Colony to so many Lieutenants arrived here from Europe as shall Serve in the fforces to be raised in the Colony of New York, during the Limitation aforesaid,

AND BE IT further Enacted by the Authority aforesaid, That for as much as there are many persons in this Colony, who out of Scruple of Conscience refuse the bearing and use of Arms, all and every such person and persons producing a Certificate from any two preachers of their respective Congregations they usually frequent their professing such Tenets for a whole Year or more before the first day of June last, shall not be liable to the said penalty of Six pounds for non-appearance, but nevertheless shall double their proportion of Taxes to other persons of like Estates chargeable by the Acts of General Assembly for any Sums to be raised towards defraying the Charge of the present Expedition against Canada.

AND BE IT further Enacted by the Authority aforesaid, That if any Commission Officer shall directly or indirectly take any Sum or Sums of Money or any other thing whatsoever for excusing any person or persons on going on the said Expedition, shall forfeit and pay the Sum of Fifty pounds Current Money aforesaid for each offence, to be recovered in any Court of Judicature in this Province, the one half thereof to the Informer that will Sue for the same, and the other half towards the Support of this Government.

AND BE IT further Enacted by the Authority aforesaid, That all and every the Male Inhabitants of any Mannor within this Colony that have not a Company shall forthwith list themselves under their next adjacent Militia Officer under the penalty of forfeiting Six pounds as aforesaid to be levied and applied in manner as aforesaid.

AND BE IT further Enacted by the Authority aforesaid, That one Captain and a Lieutenant to each Company to be raised as aforesaid shall be of the respective Officers of the Militia or such other proper persons Inhabitants of this Colony in the Countys respectively where the fforces are to be raised as his Excellency shall think fit to appoint

AND be it Enacted by the same Authority, That the Treasurer of this Colony shall take immediately effectual Care, That the several and respective Captains of the Several Companys in this plantation may have and receive out of the publick Moneys in the Treasury not already appropriated such Sum and Sums of Money as shall be sufficient to pay and reward the Volunteers, who shall

list themselves for this Expedition, the Incouragement provided and allowed by this Act and that the Receipt of the respective Captains shall be a sufficient Discharge to the Treasurer for the Moneys paid pursuant to this Act.

[CHAPTER 225.]

[Chapter 225, of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Bradford's 1715 ed., p. 88; Baskett, p. 133.]

An Act to appoint Commissioners to purchase Provisions and other necessarys for the Expedition to reduce Canada.

[Passed, July 26, 1711.]

BE IT Enacted by the Governour Council and Assembly and by the Authority of the same, That Capt. Robert Walters, Coll. Robert Lurting and Capt. John De Peyster are hereby appointed Commissioners or Agents to purchase and procure Provisions and other necessarys, for victualling the forces to be rais'd in this Colony and transporting them and other necessarys to Canada, which said Commissioners or one or more of them shall have power and are hereby fully authorized if occasion require to break open and Search all Houses Ships or Vessels or any other place they shall think fit, for the finding and procuring such Provisions and necessarys they shall want for the said Expedition, and call to their Assistance, Aid and Command any Constable or Constables Sheriff or Sheriffs or any other publick Officer, to take Seize upon and Impress on Land or Water, all or any provisions they shall find necessary for the Expedition aforesaid, As also Men Horses Carts Waggons Boats Canoes and other Vessels or Carriages for transportation of the same by Land or by Water, and pay such reasonable rates and prices they shall think equitable, for any Labour Provision or hire of Men, Horses and Carts, Waggons and Vessels for Transportation which shall be so taken and Seized as aforesaid, and such Officer or Officers or other person or persons that refuse or deny their Aid and Assistance to the said Commissioners When required shall be by them or any two of them Committed to the common Jail there to remain three Moneths without Bail or Mainprize for every such Offence, and the Sheriff of the City and County of New York and keeper of the Jaile are hereby directed required and authorized to receive and keep in close Custody all and every such Offendor or Offendors. Provided the said Provisions shall not exceed the prizes following,

vizt. Good firm Pork well saved each Barrel Thirty one Gallons and one half Three pounds and Ten shillings, other Pork in proportion to Goodness and Gage of the Barrel to be valued by the said Commissioners. Pease five shillings per Bushel. Bacon Eight pence per pound. Buttock Beef smoaked Seven pence per pound, Cheese Six pence per pound, Indian Corn two shillings and six pence per Bushel, well baked Bisquet made of Meal as comes from the mill with all the fflower, the Brand only taken out without mixture of Cornell, Seventeen shillings and six pence per hundered, and Rum at three shillings and six pence per gallon.

AND BE IT further Enacted by the Authority aforesaid, That for the payment of the said Provisions Materials and other Expences the said Commissioners shall be at, they are hereby required and impowered to draw their Warrants on the Treasurer of this Colony for the Time being, Expressing in every of them, to whom, for what Service, or for what Materials, in about or relating to the said Expedition, which said Warrants the said Treasurer is hereby required and enabled to pay and shall be a good and sufficient Discharge for so much express'd in the said Warrants to be paid by him pursuant to and by virtue of this Act. And the said Commissioners are hereby required impowered and directed to Transmitt and send to the Commissioners hereinafter named for the Citty of Albany all such provisions and other necessarys as they in their Discretions shall judge requisite and sufficient for the better and more effectual carrying on and effecting the Services and attaining the Ends intended by this Act.

AND BE IT further Enacted by the Authority aforesaid, That Capt. Peter van Brugh and Mr. Hendrick Hansen are hereby appointed Commissioners at Albany for the receiving and taking care of the Provisions and other necessarys for the fforces rais'd in this Colony, there, and the necessary transportation of the same and the Delivery thereof, to the severall Captains of the Companys for the use of the Men respectively under their Commands; And for the better effecting and performing the same Service the said Commissioners at Albany shall have the like powers and authoritys the Commissioners in New York are Clothed with all by virtue of this Act, As also for the procuring and purchasing such provisions and other necessarys for the better Support and accomodating the fforces to be rais'd in this Colony for the Expedition aforesaid as the Commissioners herein appointed for New York shall not be able to provide and procure there.

[CHAPTER 226.]

[Chapter 226, of Livingston and Smith and Van Schaack, where the title only is printed. Title only is printed in Bradford's 1715 ed., p. 88. **Printed in full in Baskett, p. 135.**]

An Act to Enable Thomas Whitehead to Sell and Dispose of some part of the Lands Devised to him by his father under the Limitation of a Generall Intaile.

[Passed, July 26, 1711.]

WHEREAS Thomas Whitehead Son of Daniell Whitehead Esqr. late of Jamaica in Queens County Deceased hath by his Petition Set forth That his ffather Daniell Whitehead has by his Last Will and Testament beareing date ye Thirteenth day of November in the Yeare Seventeen hundred and Three Devised unto him and ye heires of his body lawfully to be begotten, and ye Revertion thereof for lack of such issue to his the said Daniells Son Jonathan Whitehead and ye heires of his body lawfully begotten or to be begotten and for lack of such Issue to ye next right heires of him the said Daniell Whitehead for ever Diverse Tracts of Land in Queens County (Containeing about Thirteene hundred Acres) but wholly Unimproved.

To the Intent therefore that the said Thomas Whitehead may be Enabled to make Improvements upon the said Lands for the bettering of ye said Estate.

BE IT ENACTED by his Excellency ye Governour by and with ye Advice and Consent of ye Councill and Generall Assembly of this Colony of New York And by ye Authority of ye same That it shall and may be lawfull for him the said Thomas Whitehead to Aliene Sell and Dispose in ffee Simple or otherwise of any part or parcell of the said Devised Lands with ye Appurtenances not Exceeding ye Quantity of ffour hundred Acres Out of One or at most two Tracts or parcells of ye Lands Devised by ye Will aforesaid, And that Such Sale Alienation and Disposition of him the said Thomas Whitehead to Such person or persons as shall purchase the same shall be as good Sufficient and Effectuall in the Law to all Intents and purposes whatsoever as if the said Thomas Whitehead had at ye time of ye makeing of this Act a ffree Cleare and Absolute Estate in ffee Simple in and to ye same, Saveing all Right of her Majesty her heires and Successors and of all bodyes politick and Corporate and of all other persons whatsoever Except the said

Thomas Whitehead and ye heires of his body, and ye said Jonathan Whitehead and ye heires of his body and ye heires of the said Daniell Whitehead.

[CHAPTER 227.]

[Chapter 227, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford's 1715 ed., p. 84. Title only is printed in Baskett, p. 133.]

An Act for Levying the Sum of Ten thousand Pounds.

[Passed, July 26, 1711.]

BE IT Enacted by the Governour, Councill and General Assembly and by the Authority of the same, That the Sum of Ten Thousand Pounds be and is hereby given and granted to Her Majesty Her Heirs and Successors be paid to and Issued by the Treasurer of this Colony for the Time being to be applyed for the payment of such of the Six hundred Men of the Militia of this Colony appointed to Serve in the present Expedition to Canada as shall appear on the return of the fforces, to have Served, and to and for no other Use, Intent and purpose whatsoever. That is to say,

A Colonel, Twenty shillings per Diem.

A Major, Ten Shillings per Diem.

A Chaplain, Eight Shillings per Diem.

Ten Captains, Each Eight Shillings per Diem.

Eight Lieutenants, Each four shillings per Diem.

Nine Lieutenants from Europe, at Eighteen pence per Day, New York Money, additional pay, Each.

Twenty Seven Serjeants, Each Two Shillings per Day.

Twenty seven Corporals, Each Eighteen pence per Day.

Ten Drummers, Each Eighteen pence per Day.

Three Chyrurgeons, Each Six Shillings per Day.

And three hundred fifty one private Centinels, eighteen pence per Day to Each, and Every of them, One hundred and fifty Indians at twelve pence per Day, besides their provisions.

AND BE IT further Enacted by the Authority aforesaid, That a Muster Roll of the Names of all the Volunteers, expressing when listed, and of those Impressed, when detach'd, be Transmitted to the said Treasurer by the principal Officer of the Militia of every City and County, Signed by him and the Officer that shall make Such Detachment or enter the Volunteers as aforesaid, within a Moneth after such Listing or Detachment to remain with the said Treasurer for the better regulating the pay-

ment of the fforces to Serve on this Expedition, under the penalty of five pounds on each Officer who shall make default herein to be recovered by Action of Debt or Information in any of Her Majesties Courts within this Colony, the one half to Her Majesty to be paid to the Treasurer towards the Support of this Government, and the other half to the Informer who shall Sue for the same, And for the exact payment of the fforces to be rais'd for the same Service a Certificate of the Captains of the Service of the Men under their Commands respectively shall be a sufficient Warrant and discharge to the Treasurer for the payment of such Men, and that a certificate of Capt. Peter van Brugh and Mr. Hendrick Hansen or either of them the Commissioners at Albany for the receiving and taking Care of the provisions and other necessarys for the fforces raised in this Colony there of the Service of any Commission Officer on the same Service shall be a Discharge for payment of those Officers according to the meaning of this Act, which said Certificates the said Captains are hereby required and enjoyned to give in manner before expressed.

AND BE IT further Enacted by the Authority aforesaid, That the said Sum of Ten Thousand Pounds to be laid, Assess'd, raised and levyed upon the Estates real and personall of all and every the Inhabitants, Residents, Sojourners and Freeholders of and in this Colony, to be paid to the Treasurer of this Colony for the Time being in manner following, That is to say, One Thousand pounds part thereof on or before the last Day of May which will be in the Year of our Lord One thousand seven hundred and fourteen; One thousand pound on the last Day of November then next ffollowing. One thousand pound on the last Day of May One thousand seven hundred and fifteen; One thousand pound on the last day of November then next following. One thousand pound on the last Day of May One thousand Seven hundred and Sixteen; One thousand pound on the last Day of November then next following. One thousand pound on or before the last Day of May One thousand seven hundred and seventeen; One thousand pound on the last Day of November then next following. One thousand pound more thereof on the last Day of May One thousand seven hundred and eighteen; And One thousand Pound more residue thereof at or before the last Day of November then next following, according to the Quota's and proportions herein expressed, vizt.

The City and County of New York, Two Thousand and Thirty pounds.

The City and County of Albany, Six hundred and Eighty pounds.

Kings County, One thousand five hundred and seventy pounds.

Queens County Two thousand pounds.

The County of Suffolk, One Thousand eight hundred and thirty pounds.

The County of Ulster, Seven hundred and fifty pounds.

The County of West Chester, ffour hundred and twenty pounds.

The County of Richmond, ffour hundred and eighty pounds.

The County of Orange, One hundred and Ten pounds.

Dutchess County, One hundred and thirty pounds.

AND BE IT further Enacted by the Authority aforesaid, That the said Sum of Ten Thousand pounds shall be Collected and paid in such manner and under such restrictions and Regulations, pains, penalties and forfeitures as are mentioned and expressed in an Act entitled an Act for Levying four thousand pounds made in the Eighth Year of Her present Majesties Reign is Enacted, Declared, provided and Expressed to all Intents Constructions and purposes whatsoever, as if the same had been herein fully expressed and mentioned at large.

[CHAPTER 228.]

[Chapter 228, of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Bradford's 1715 ed., p. 88; Baskett, p. 133.]

An Act for the better Rewarding of Volunteers on the present Expedition against Canada to be Levied in the Citys of New York and Albany, and the pay of other Officers and Uses relating to the Same Expedition.

[Passed, July 26, 1711.]

BE IT Enacted and it is hereby Enacted by His Excellency the Governour Councill and Generall Assembly and by the Authority of the same That the Sum of Three hundred and forty pounds Current Money of New York be given and granted to Her Majesty Her Heirs and Successours for the Uses herein after Mentioned and to be assessed Collected and Levyed upon all and every the ffreeholders Inhabitants Residents and Sojourners of and in the City and County of New York So that the same be paid unto the Treasurer of the said

City on or before the first Day of September for the paying of Six pounds Current Money of New York to every person and persons as shall voluntarily list themselves or be Detached to make up the Number of Men to be Levied by the City of New York not exceeding fifty two over and above all other Encouragements and Allowance already granted by Law. And for the better more due and orderly Assessing rating levying and Collecting the said Sum of three hundred and forty pounds. BE IT further Enacted by the Authority aforesaid That the Mayor and Aldermen of the City of New York or any three of the Aldermen Do immediately after the publication of this Act Assemble and meet together at such place as they shall think fit and then and there shall Direct and Order the Assessors and Collectors of the said City and County to Assess Collect and receive the Sum of Money before mentioned to be paid by the said City and County.

AND BE IT further Enacted That the said Mayor and Aldermen or any three of the Aldermen have and shall have by virtue of this Act full power and authority severally and respectively to administer an Oath to all and every the Assessor and Assessors aforesaid in manner following vizt. That he or they shall well and truly execute and perform the said Office of Assessor and truly equally and impartially and in due proportion assess and rate the Estates of the ffreeholders Inhabitants Residents and Sojourners of and in the said City and County according to their Skill and that therein they shall spare no person for ffavour or Affection nor grieve any one for hatred or ill Will And the said Assessors or the Major part of them provided there be one at least out of each Ward are hereby required and authorized to meet and Convene together and to rate and Assess each Ward in due proportion after one and the same method and manner And the said Assessors and every of them are hereby required within the space of Ten Days after the publication of this Act to make their severall and respective Assessments aforesaid and also make true and perfect Copies of the Assessment So to be made by them as aforesaid and deliver them in Writing under their hands to the said Mayor and Aldermen or to three of the said Aldermen or to the Town Clerk of the said City which said Mayor and Aldermen or any three of the said Aldermen are hereby required immediately to cause the same to be collected and paid So that the same be paid to the Treasurer aforesaid on the Day aforesaid.

AND BE IT further Enacted That the said Mayor Aldermen Town Clark Assessors and Collectors are hereby respectively invested with all the powers and Authoritys necessary for the Execution of this Act And shall also be liable to all such paines and forfeitures as are mentioned and exprest in and by an Act of the Generall Assembly of this Colony Entituled An Act for Levying four thousand pounds passed in the Eighth Year of Her Majesties Reign.

AND BE IT further Enacted That every Collector shall have and receive for his pains in the Collecting and receiving of the Moneys arising by this Act out of the Moneys he shall so receive Six pence in the pound And that the Treasurer of the said City shall have and receive for his Care and Trouble therein One and a half per Cent out of the Moneys he shall so receive.

AND BE IT further Enacted, That the said Treasurer upon the receipt of the Sum of Money aforesaid shall take immediate Care That the severall and respective Captains of the severall Companys within the said City and County may have and receive such Sum and Sums of Money as shall be sufficient to pay to each person as shall List himself as Volunteer or be detached the said Sum of Six pounds aforesaid And the Receipt of the respective Captains shall be a sufficient Discharge to the said Treasurer fór the Moneys paid pursuant to this Act.

AND BE IT further Enacted by the Authority aforesaid That the Justices of the Peace in the City and County of Albany or any five of them shall have the same power and Authority as above expressed on any time in the Moneth of August One thousand seven hundred and eleven to Issue out their Warrants to the severall Assessors and Collectors of the said City and County for the raising of One hundred and fourty one pounds on the ffreeholders Inhabitants Residents and Sojourners in the said City and County to be given and granted to Her Majesty Her Heirs and Successors, and to be paid unto the County Treasurer, to be paid for an Additional Advance Sum of Three pounds to each of the fourty seven Volunteers or Detached Men to be raised out of the Militia Regiment of the said City and County to serve on the present Expedition to Canada, and also in like manner to raise the Sum of Eight pounds sixteen shillings and three pence being nine pence per pound to the Collector and six pence per pound to the said Treasurer which said Assessors and Collectors

shall be liable to the same pains and penalties as above in this Act Expressed, any Law Usage or Custome to the Contrary notwithstanding.

AND BE IT also Enacted by the Authority aforesaid That there shall be paid and allowed six Shillings per Day for an Adjutant and four shillings per Day to a Quarter Master to the fforces that are to go out of this Colony on the present Expedition out of the Money to be raised for publick Use And that the Receipts of the Captains Commissionated to go on the Expedition or the Captains that shall list or detach the Men shall be a sufficient Discharge to the Treasurer for the Three pounds bounty money appointed to be paid to the Centinels raised or to be raised for this present Service. And also That one Lieutenant at four Shillings per Diem be added to make up the Number of Lieutenants Eighteen.

AND BE IT further Enacted by the same Authority, That, in Case of the Death or Absence of any of the Captains of the Companys raised out of this Colony to go on the said Service, the next Commanding Officer of such Company shall and is hereby impowered to give his Certificate to the Serjeants Corporals Drums and private Centinels of such Company for their pay on the Treasurer of the said Colony, as if such Captain was present and alive.

[CHAPTER 229.]

[Chapter 229, of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Bradford's 1715 ed., p. 88; Baskett, p. 134. Expired, November 1, 1713. See chapter 215. Further provided for by chapter 263.]

An Act for Continuing an Act Entitled An Act for laying an Excise on all strong Liquors retailed in this Colony.

[Passed, July 26, 1711.]

BE IT Enacted by the Governour Council and Assembly and by the authority of the same, That one Act entituled An Act for laying an Excise on all strong Liquors retailed in this Colony made in the Ninth Year of the Reign of Her present Majesty and every Article and Clause therein Contained from and after the Expiration thereof shall be and Continue in force for the space of two Yeares, that is to say, from the first Day of November one thousand seven hundred and eleven to the first Day of

November which will be in the Year of our Lord One thousand seven hundred and thirteen, to be lett the first Year on or before the first Day of October now next ensueing, and the Second or last Year at or before the first Day of October Anno Domini One thousand seven hundred and twelve.

[CHAPTER 230.]

[Chapter 230, of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Bradford's 1715 ed., p. 88. Printed in full in Baskett, p. 134. Expired November 1, 1713. See chapter 218.]

An Act for the more effectual putting in Execution an Act of Generall Assembly Entituled An Act for laying a Duty on the Tunnage of Vessels and Slaves.

[Passed, July 26, 1711.]

FOR the better and more effectuall Levying the Duty of Three pounds lay'd for every Negroe that shall be imported into this Colony not directly from Affrica, And Three pounds for every other Slave that shall not be directly imported into this Colony from his or her native Country.

BE IT Enacted by the Governour Councill and Assembly and by the Authority of the same, That if within the space of Six Days after the Importation into this Colony of any such Negro or other Slave the Owner or Importer of any such Negro or other Slave shall not or do not pay to the Officer appointed to receive the same the Duty laid and required to be paid on Such Importation as aforesaid, It shall and may be Lawfull to and for the said Officer by Virtue of this Act to take and Seize all and every such Negro or other Slave, and him her or them to Secure and keep untill the said Duty be satisfy'd and fully paid, and if within three Days after such Seizure the Owner or Importers of such Negro or other Slave shall not pay and Satisfy the said Duty, it shall and may be Lawfull for the said Officer to Expose such Negro or other Slave to publick Sale to the highest bidder for the payment of the Duty aforesaid and Charge and Expence of keeping and Sale Returning the Overplus to the Owner or Importer, and every such Sale is hereby declared to be good valid and effectual in the Law, as if the same were Contracted and made by the Importer or Owner of such Negro or Slave.

AND BE IT further Enacted by the Authority aforesaid, That if any person or persons shall resist or abuse the said Officer in the Execution of His said Office, he or they shall loose and forfeit One hundred pounds Current Money of New York to be recovered in any Court of Record in this Colony by Account of Debt Bill plaint or Information, the one half thereof to be to Her Majesty Her Heirs and Successors to be paid to the Treasurer of this Colony for the Time being to be applyed towards the Support of this Government and the other half to him that will Sue for the same.

AND BE IT further Enacted by the Authority aforesaid, That every Master or Commander of any Ship or Vessell shall within forty-eight hours after his or their arrival within this Colony make Oath before the Mayor of the City of New York or any Justice of Peace for the Time being what Number of Negros or other Slaves he or they have brought into this Province and to whom Consigned, and on his or their refusal to take such Oath shall forfeit and pay One hundred pounds Current Money of this Colony to be recovered and applyed as aforesaid.

[CHAPTER 231.]

[Chapter 231, of Livingston & Smith, where the act is printed in full. Chapter 231, of Van Schaack, where the title only is printed. Printed in full in Bradford's 1715 ed., p. 86. Title only is printed in Baskett, p. 133. Expired, May 1, 1719.]

An Act for the Currency of Bills of Credit for Twenty five Thousand Ounces of Plate.

[Passed, July 26, 1711.]

BE IT Enacted by the Governour Council and General Assembly and by the Authority of the Same, That Bills of Credit be made to the Value of Twenty five thousand Ounces of coined plate, and no more, which Bills shall be in manner following Vizt: This Indented Bill of ..... of coin'd Plate due from the Colony of New York to the possessor thereof shall be in value equal to money and shall be accepted accordingly by the Treasurer of this Colony for the Time being in all publick payments and for any Fund in the Treasury, Dated in New York the twentieth Day of July one thousand seven hundred and eleven by Order of the Governour Council and General Assembly of the said Colony. Which said Bills of Credit shall be Signed by Capt.

Robert Walters, Coll: Robert Lurting, and Capt John De Peyster, who are hereby appointed and directed to Signe and deliver the said Bills to the Treasurer of this Colony for the Time being on or before the first day of September which shall be in the year of our Lord Seventeen hundred and eleven to be by him paid to such Men as are and shall Serve in the present Expedition to reduce Canada and other Charges and Expences attending the said Expedition and to Account to the Governour Council and Assembly of this Colony for the Time being of the Receipts and payments of the Bills hereby made Current when and as often as the said Treasurer shall be thereunto required, And the said Bills shall be received and taken for the same value and equal to the current Coyn passing in this Colony for Goods bought or Sold in any payments to be made for Debts that are due, or that shall be Contracted, And the tender of the said Bills for the payment and Discharge of any Debt or Debts, Bargaines, Sales, Bonds, Mortgages and Specialties whatsoever, shall be as good and effectual in the Law, to all Intents, Constructions and purposes, as if the current Coyn of this Colony had been offered and tendred to any person or persons whatsoever, for the same or any part thereof.

AND BE IT further Enacted by the Authority aforesaid, That the said Bills of Credit shall be printed and numbered, expressing in every of them the weight of Plate they shall be Current for, and to prevent Counterfeiting any of the said Bills they shalbe Dated and Indented on the top thereof, with the Arms of the City of New York stamp'd or printed on the right side thereon, towards the Bottom of every of the said Bills, and the Indent shall pair with and Suite a Counterpart thereof bound in a book for that purpose and Subscribed by the Parties herein appointed to do the same, to be kept by them, of the same Tenor and Date, and so like in Circumstances as possible may be, to such Bills of Credit that are Issued and made Current in payment as aforesaid. Five hundred of the said Bills shall be for Twenty Ounces of Plate Each; Five hundred of the said Bills for Ten Ounces of Plate Each; One thousand of the same for Five Ounces Each; Five hundred of the same for two Ounces and a half Each; One Thousand of the same for Two Ounces Each; One thousand of the same for an Ounce Each; One thousand of the same for half an Ounce of Plate Each; and One thousand of the same for one quarter of an Ounce of Plate Each; Provided always, That the said

Signors shall not Sign a greater Number of the said Bills of Credit than what shall amount to, or pass, or be Current, for more than twenty five thousand Ounces of Coined Plate, Nor the said Bills of Credit be Current in payment after or longer than the first Day of May which will be in the Year of our Lord Seventeen hundred and nineteen.

AND BE IT further Enacted by the same Authority, That the said Signors shall and are hereby required to take an Oath before the Mayor of the City of New York for the Time being, for the true Signing and Delivery of the said Bills of Credit as aforesaid according to the genuine Intent and true Meaning of this Act.

AND BE IT also Enacted by the same Authority, That the Ten thousand pounds to be raised by an Act Entituled An Act for raising the Sum of Ten thousand pounds passed this present Sessions shall be paid to the said Treasurer in the said Bills of Credit, by the Collectors thereof, and in no other Specie whatsoever. And for the better and more effectual Sinking and Cancelling the said Bills of Credit as they are paid unto the Treasurer, every Collector at the payment of the Taxes and Levys by virtue of the said Act shall and is hereby requir'd and oblig'd to endorse on the back of the Bills he shall respectively pay unto the Treasurer, pursuant to this Act, the Date of the payment so made, from which Time the said Bills so endorst shall be no further Current in this Colony, and every Collector neglecting or failing to make such Endorsement, or do the Duty required of him by this Act, shall forfeit and pay five pounds for every such Offence, the one half to our Soveraign Lady the Queen to be paid to the said Treasurer towards the Support of the Government, the other half to be to the Informer who shall Informe and Sue for the Same in any of the Courts of Justice in this Colony.

AND BE IT Enacted also by the said Authority That such person or persons who shall be convicted of Counterfeiting any of the said Bills of Credit shall incur the Pains and Penalties of felony without the benefit of Clergy and suffer accordingly. And every person or persons that Deny or refuse to take or receive any of the said Bills of Credit shall forfeit and pay the one Eighth part of the Bill or Bills so deny'd or refus'd as aforesaid, the one half to Her Majesty to be paid to the Treasurer towards the Support of this Government And the other half to the Informer that will Inform and Sue for the Same in any Court of Record in this Colony.

AND BE IT further Enacted by the Authority aforesaid, That Lyon Dollars and half Dollars shall be received and be of equal value to thirteen pennyweight and Eighteen Grains of Coined Plate aforesaid for each Dollar.

[CHAPTER 232.]

[Chapter 232, of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Bradford's 1715 ed., p. 88. Title only is printed in Baskett, p. 136. See chapter 201. Revived by chapter 239. Livingston & Smith and Van Schaack, give the date of passage of this act as July 26, 1711, but from the Minutes of the Council and the original law it appears that the act was signed by the Governor August 4, 1711.]

An Act for Reviving an Act Entituled An Act to prevent Selling or giving of Rum or other Strong liquors to the Indians, and to prevent the Embezeling of Any of the Cloathing Arms or Accoutrements Sent by her Majesty for the Service of the present Expedition.

[Passed, August 4, 1711.]

WHEREAS an Act of the Assembly of this Province Made in the Eighth yeare of her Majestys Raigne Entituled An Act to prevent Selling or giving of Rum or Other Strong Liquors to the Indians was found Very beneficiall for keeping the Indians in good Order and Discipline During the late Intended Expedition and the Like reasons now requiring it.

Be it Enacted by the Governour Councill & Assembly and by the Authority of the Same that the aforementioned Act and Every Clause Article Matter and thing therein Contained Shall be and by the Authority Aforesaid is hereby revived And Continued and Enacted to be in force from the ffifth day of August Next Ensueing unto the first day of November then Next following in as full and ample Manner as if the Same had been herein particularly Recited.

AND be it further Enacted by the Authority Aforesaid that if any person or persons Shall buy receive or take to pawn any of the Cloathing Arms or Accoutrements Which her Majesty has Sent for the Service of the Present Expedition against Canada he or they Shall forfiet and pay five times the Value thereof one half whereof to be to her Majesty her heires and Successors and the other half to the Person who shall Sue for the same to

be recovered before any two of her Majestys Justices of the Peace One whereof to be of the Quorum who are hereby required and Impowered to hear and Determine the Same.

And in Case any Such Arms Cloathing or Accoutrements Shall be found in any Persons Possession Claiming or not Disclaiming property thereto unless the person or persons Actually in ye present Service of their Assignes in Case of Death it shall be taken deemed and adjudged to be Part of those Sent by her Majesty for the Service of the Expedition aforesaid and the person or persons in whose Custody they Shall be so as aforesaid found Shall be lyable to the Penalty aforementioned and every person or persons being Convicted and Shall Neglect refuse or Delay to pay any penalty incurred by this Act or give Sufficient security to pay the Same in ten Days that then and in Such case it Shall and may be lawfull to and for the Justices aforesaid to Committ him or them to the Common Goal of the Citty Town or County where such person or persons Shall be Convicted there to remaine for three Months without Baile or Mainprise or untill he or they Shall pay the penalty for which they were Committed.

[CHAPTER 233.]

[Chapter 233, of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Bradfords's 1715 ed., p. 88; Baskett, p. 135. Livingston & Smith and Van Schaack, give the date of passage of this act as July 26, 1711, but from the Minutes of the Council and the original law, it appears that the act was signed by the Governor August 4, 1711.]

An Act for the Security & defence of this Colony during the Expedition to Canada.

[Passed, August 4, 1711.]

For the better & more Effectual Securing & defending this Province during the present Expedition

Be it Enacted by the Govern'r Council and Assembly, That there shall be forthwith after the publication of this Act Erected & Set up one Beacon in the County of Richmond, neer the Narrows, one other Beacon in Kings County neer the Same Narrows, & one Beacon in Queens County at Rockaway on the most Eminent place there, & at each of these Beacons, there shall be planted a great Gun with powder to Charge, & Lighted Match to fire the same, & three of the Militia to be on duty day & night to watch & look out towards the sea, & on the sight of any

Beacon lighted, or the appearance of three ships or more & hearing any of the said Guns fired one of the Centinels in any of the said Countys Shall on the perceiving of any Beacon lighted, or hearing the said great Gun fired, light the Beacon erected as aforesaid, & fire the Said great Gun & one of w'ch Centinels Shall be and are required hereby forthwith to give notice to the Comanding Officer of that County, who is hereby required to Rendezvouse the Militia of that County at Some Convenient place with their Arms and Accoutrements pursuant to an Act Entituled an Act for the better Setling the Militia of this province & makeing it more usefull for the Security & defence thereof and to March to Such place & places as his Excellency shall direct.

And for the more Expeditious alarming the Inhabitants of Long Island one of the Men posted at any of the before men'coned Beacons there, is hereby Commanded to ride post and give notice Immediately to the next Commanding Officer in the said Countys, and the Commanding officer in Queens County is hereby required on the aforesaid Notice, to dispatch an Express to the Commanding officer in Huntington in the County of Suffolk, who is hereby required to dispatch the Same forward to the next Feild Officer, and Such Officer is hereby required Immediately to Command the Militia of that County to appear in Arms according to the said Act, & forthwith March them to Such place or places as his Excellency shall order and direct.

And be it further Enacted by the same Authority, That the Several and respective Captains or Commanding Officers of every Company of the respective Countys in this Colony Shall and are hereby obliged to muster and Exercise their distinct Companys in Arms once every fortnight, and the Commanding Officer is hereby required to make one General Muster of the wholl Regiment or Militia in every County once every Month, which Companys once every fortnight, and Regiments once every month Shall appear in Arms well Equipped pursuant to the said Act.

And be it further Enacted by the Authority aforesaid, That all persons that have bore any Military Office in this Colony & all other persons whatsoever not yet Inlisted in the respective Cittys & Countys thereof Except the Members of her Maj'ties Council the Clerk of the Council and the Ministers of the Gospel be and are hereby required to list themselves under Such Officer or officers as are or shall be Commissionated by his Excellency and to

make their appearance well Equipped according to the Act hereinbefore mentioned, and if any person or persons Shall refuse or neglect to list themselves within fourteen days after the publication of this Act, every person so refusing or neglecting Shall forfeit the Sum of Six pounds Current money of this Province. And they and every of them hereby are and Shall be Obliged during the present Expedition to Muster and appear in Arms when thereunto required by their respective officer or officers and in Case of Alarm to do and perform all Such Military Duty as any other persons now Actually in the Militia of this Colony are bound to do, and two thirds of the said Forfeitures shall be apply'd towards purchasing of Drums Colours & other necessarys for the said Company and Companys the other third to Such person or persons as shall give Information thereof to the Captaine or other Comanding Officer of the said Company which Capt or other Commanding officer is hereby Empowered and directed to Issue out his Warrant to any Serjeant to make distress & Sale of the Goods and Chattles of Such person or persons as Shall refuse or neglect as aforesaid, returning the overplus (the Forfeiture and Charges first deducted) if any be to the owner.

And be it further Enacted by the Same Authority that the charge and Expence of erecting and Continuing the said Beacons shall be born and defrayd by the Countys respectively where they are to be Erected, that the Justices of the Peace or any three of them in those Countys respectively do Cause the Same Beacons to be Erected and made, according to the true meaning of this Act and that the Commanding officer of the Militia in Such Countys do take effectual care that the Guards are duely and diligently kept in Manner before Expresst, and also that the Supervisors of each of those Countys respectively do raise a Competent Sum of money for defraying the Charge and Expence aforesaid to be paid into the respective Treasurers of those Countys and to be Issued by Warrant of Such Commanding Officer and that the payments thereupon Shall be to the Treasurer a good discharge. And if any Such Commanding Officer Supervisor Treasurer or Justice Shall neglect deny or delay to do and perform the services required and directed by this Act, he shall forfeit and Loose five pounds, two thirds thereof to her Mat'y, and one third to him who Shall Inform and Sue for the Same, to be recovered in any of the Courts of Justice in this Colony, by Action of Debt, Bill, plaint or Information.

THE FOURTEENTH ASSEMBLY.

Second Session.

(Begun Oct. 2, 1711, 10 Anne, Robert Hunter, Governor.)

[CHAPTER 234.]

[Chapter 234, of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Bradford's 1715 ed., p. 88; Baskett, p. 137. Livingston & Smith state that the act was passed November 5, 1711, but from the Minutes of the Council and the original law, it appears that the act was signed by the Governor, October 5, 1711. (See Journals of Legislative Council, p. 322.)]

An Act to authorize the Surviving Comm'rs for the Expedition to reduce Canada to Act & pursue the powers comitted to them as fully as if Captain John De Peyster dece'd were Still alive & to make provision in case of the Death of any other of the Comm'rs.

[Passed, October 5, 1711.]

BE it Enacted by his Excellency the Gov'r by and with the advice & Consent of the Council and Assembly & by the Authority of the same, That Capt Robert Walters & Col Robert Lurting the surviving Comm'rs appointed in an Act, entituled, an Act to appoint Comm'rs to purchase Provisions and other necessarys for the Expedition to reduce Canada, made in the tenth Year of Her present Ma'ties Reign, & also the Surviving persons appointed & directed to sign and Deliver Bills of Credit made Current in & by one other Act, entituled an Act for the Currency of Bills of Credit for Twenty five thousand ounces of Plate, pass'd in the same Tenth year of Her said Ma'tys Reign, shall and are hereby Impowered and authorized & required to do & performe all and every Such matters and things comitted to, or appointed by them, to be done & performed, & as is Express'd in either or both of the Acts hereinbefore menconed, & that all matters & things so by the said Robert Walters & Robert Lurting done & performed, shalbe of the same value force and effect, in as full & ample manner to all purposes and Intents, as if Capt John De Peyster now lately dece'd, the other Comm'r & person Impowered & men'coned in those Acts, were Still alive & had Acted pursuant to the said Acts.

And be it further Enacted by the same Authority to prevent any Inconvenience may happen by the Death of either the said Robert Walters or Robert Lurting, or of Capt Peter Van Brugh or Mr. Hendrick Hansen Comm'rs at Albany, relating to the Same Expedition, the Surviving Comm'r respectively. shall have the same Powers and performe the same Service and Dutys as both of the said Comm'rs respectively should have & performe were they alive.

[CHAPTER 235.]

[Chapter 235, of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Bradford's 1715 ed., p. 88; Baskett, p. 137. See chapter 213. Revived by chapter 258.]

An Act reviving an Act entituled an Act for the better Setling the Militia of this Province & make it more Usefull for the Security & defence thereof.

[Passed, November 24, 1711.]

Be it Enacted by the Govern'r Council & Assembly & it is hereby Enacted by the Authority of the Same, That an Act, entituled, an Act for the better Setling the Militia of this Province & making it more Usefull for the Security and defence thereof, made in the first year of Her present Maty's Shalbe and is hereby Enacted by the Authority aforesaid, to be of force, for and untill the first day of November Seventeen hundred and Twelve and no longer.

[CHAPTER 236.]

[Chapter 236, of Livingston & Smith and Van Schaack, where the act is printed in full. Printed in full in Bradford's 1715 ed., p. 88; Baskett, p. 136.]

An Act to prevent the Impairing the Fortifications.

[Passed, November 24, 1711.]

Be it Enacted by the Governour, Council and Assembly & by the Authority of the same. That any Person or Persons, who shall be Convicted, by the Oath of one Credible Witness, before any Justice of the Peace in this Colony, who is hereby authoriz'd and requir'd to hear and Determine the same, of Demolishing, Spoiling or Impairing any part of the Fortifications, that now are, or hereafter shall be made and Erected, in this Colony, shall

suffer such punishment by Fine or Imprisonment as to Such Justice of the peace in his discretion Shall appear proportionable to the offence.

And be it further Enacted by the same Authority, That all such Fines, which shall be Impos'd and Levy'd by Virtue of this Act, shall be paid into the Treasurers of the Citys and Countys respectively where such Fortifications are or shall be made or Erected and be dispos'd and apply'd towards the upholding and repairing the Fortifications respectively where such Offence shall be Comitted, & not otherwise.

[CHAPTER 237.]

[Chapter 237, of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Bradford's 1715 ed., p. 88; Baskett, p. 136.]

An Act for Raising Two Thousand Eight hundred and fifty five Ounces of Plate.

[Passed, November 24, 1711.]

BE IT ENACTED by the Governor Council and Assembly, and by the Authority of the same, That Two Thousand Eight Hundred and fifty five Ounces of Plate of the Spanish Coins of Sevill, Pillar, or Mexico, are hereby given and granted to Her Majesty Her Heirs and Successors for and towards the Defence of the Frontiers this Ensuing Winter, to be laid, Assessed, raised and Levy'd upon the Estates Real and Personal of all and every the Inhabitants, Residents, Sojourners and Freeholders of and in this Colony to be paid to the Treasurer of this Colony on or before the twenty fifth Day of March now next following according to the Quota's and Proportions herein Expressed — Vizt.

The City and County of New York, Six hundred and fifty Ounces.

The City and County of Albany — Two hundred and Two Ounces and a half.

Kings County — Three hundred Ounces —

Queens County — Five hundred and Seven Ounces and a half —

The County of Suffolk — Five hundred and Seven Ounces and a half —

The County of Ulster — Two hundred thirty seven Ounces and a half —

The County of West Chester — Two hundred and Ten ounces —

The County of Richmond — One hundred and Fourty Ounces.
The County of Orange — Fourty five Ounces —
Dutchess County — Fifty five Ounces.

AND BE IT Enacted by the Same Authority, That, for the better Assessing, raising, Collecting and receiving the said Two Thousand Eight hundred fifty five Ounces of Plate, the Mayor the Aldermen of the City of New York, the Mayor and Aldermen of the City of Albany, and the Justices of the Peace for the Time being, for the several and respective Cities and Counties within this Colony, for which they shall be Justices of the Peace, do within fourty Days after the Publication hereof Assemble and meet together in the Court-houses for the several and respective Cities and Countys, or such other place or places as they shall agree among themselves, and there shall Order, that the Assessors and Collectors for the severall and respective Cities, Towns, Mannors, Liberties and Precincts within their Several Jurisdictions, for the Assessing and Collecting of the publick Rates for the defraying the publick and necessary Charge of each respective City and County aforesaid, be the Assessors and Collectors for the Assessing and Collecting the said Two thousand Eight hundred fifty five Ounces of Plate, according to the proportions before expressed in like manner as the publick Rates are usually laid, assessed and collected.

AND in Case any Mannor, Town, Liberty or Precinct within the respective Countys do or shall refuse, neglect, omitt, or not annually elect or once in the yeare chuse Assessors or Collectors, whereby the Intent of this Act may be eluded, or that the Assessors or Collectors Chosen, as aforesaid, shall dye, remove out of any City or County, IT IS HEREBY ENACTED by the said Authority, That then and in such Case, the Justices of the Peace, or any two of them, for the County, where such Towns, Mannors, Liberties or Precincts are, are hereby required, impowered and Authorized to nominate and appoint Assessors and Collectors for such Towns, Mannors, Liberties and Precincts, which Assessors and Collectors shall, to all intents and purposes, observe the Directions of this Act, as any other Assessors and Collectors are by this Act obliged and enjoyned to do.

AND if any Assessors, chosen or nominated and appointed in manner and form aforesaid, shall unequally and partially assess any Persons Estate, to be rated and tax'd by Virtue of this Act, and shall thereof be Convicted by the due Course of Law, such

Assessor and Assessors shall be committed to the common Goal, there to remain without Bail or Mainprize, untill he or they shall fine and Ransom for such their Offence, the one half of such ffines to be to Her Majesty, Her Heirs and Successors, to be paid to the Treasurer of this Colony for the Time being, to be disposed as the Governour Council and Assembly shall think fit, and the other half to the Informer that shall prosecute the same.

AND BE IT further Enacted by the Authority aforesaid, That the said Mayors, Aldermen and Justices of the Peace for the respective Cities and Counties have, and shall have Power and Authority by Virtue of this Act, and are required, any two or more of them, or each of them by himself, to administer an Oath to the said Assessors, any or every of them, well, truly, equally and impartially, and in due proportion, as it shall appear to them, according to their best understanding, to assess and rate the Inhabitants, Sojourners, Residents and Freeholders of the respective places for which they shall be chosen Assessors.

AND BE IT further Enacted by the Authority aforesaid, That, if any person or persons, who shall be chosen Assessors or Collectors, in manner aforesaid, shall deny, neglect or refuse to make such Assessment, as by this Act is required, or shall deny, neglect or refuse to collect any Sum or Sums of Money, in form before mentioned, laid, tax'd and assessed, and thereof be convict before any two Justices of the Peace of the Cities and Counties where such Offenders shall happen to dwell, or reside, (who are hereby required and impowered to hear, determine and Do the same) shall by Warrants under the hands and Seales of such Two Justices of the Peace be Committed to the Common Goal, there to remain without Bail or Mainprize, till he or they shall fine and Ransom for such Contempt, to be paid in, and disposed in manner aforesaid. And if any person or persons, of what Degree or Quality soever, within this Colony, shall refuse, neglect or delay to pay the several Sum and Sums of Money assessed, in manner aforesaid, upon Demand made by the Collector, and non-payment thereof, the Collector shall and may distrain such person or persons, so refusing, delaying or neglecting, his or their Goods and Chattels, and the Distress So taken to keep by the Space of four Days at the Cost and Charges of the Owner thereof, and if the Owner do not pay the said Sum or Sums of Money, so distrained for, within the said four Days; then the said Distress to be publickly sold by

the Collectors for the payment of the said Money, and the overplus coming by the said Sale (if any there be) over and above the Charge of taking, keeping and Selling the said Distress, to be restored to the Owner thereof.

AND BE IT further Enacted by the same Authority, That there shall be allowed out of the said Two Thousand Eight hundred fifty five Ounces of plate Three and three Quarters per Cent to the respective Collectors and Two and a half per Cent to the said Treasurer.

AND BE IT further Enacted by the Authority aforesaid, That the said Two Thousand Eight hundred fifty five Ounces of Plate may be paid unto the Treasurer in such plate as aforesaid, Lyon Dollars and half Dollars Equall to thirteen pennyweight and Eighteen Grains of Sevill, Pillar and Mexico plate, as aforesaid, for each Dollar, or in any Bills of Credit made Currant by Act of Assembly in this Colony.

AND ALSO, Be it Enacted by the same Authority, That, if any Mayor, Aldermen or Justice of the Peace within this Colony, who are hereby required, impowered and authorized, to take effectual Care, That this Act, be duly executed, according to the true intent and meaning thereof, shall deny, refuse, neglect or delay to do, perform and execute all or any of the powers, Dutys and Authorities by this Act required by him or them to be done, and shall thereof be lawfully convict before any of Her Majesties Courts of Record within this Colony, he or they shall suffer such pains, by ffines and Imprisonment, as by the Discretion of the Justices of the said Court shall be adjudged, to be sued for paid and applyed as aforesaid.

AND BE IT further Enacted by the Authority aforesaid, That if any Action, Bill, Plaint, Information or Indictement shall be brought, moved or prosecuted at any time hereafter against any person or persons, for any matter, cause or thing done or executed in pursuance or execution of this Act, such person or persons so sued or prosecuted in any Court whatsoever, shall and may plead the General Issue, NOT Guilty, and give this Act, and the special matter in Evidence, and if the Plaintiff or Prosecutor shall be non-suited, or forbear further prosecution, suffer Discontinuance, or Verdict pass against him, the Defendant or Defendants, shall have treble Costs, for which they shall have like Remedy, as in case where Costs by Law are Given to Defendants.

PROVIDED always, That no Mayor, Alderman nor Justices of

the Peace, shall be Sued, prosecuted, troubled or molested for any Omission, Offence, Neglect or Mistake of or against this Act, but within the space of one Year after such omission, Neglect or Mistake committed, and not at any time hereafter, any thing herein contained to the Contrary notwithstanding.

[CHAPTER 238.]

[Chapter 238, of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Bradford's 1715 ed., p. 88; Baskett, p. 137.]

An Act for the Treasurers paying Three thousand seven hundred and fifty Ounces of plate to His Excellency.

[Passed, November 24, 1711.]

BE IT ENACTED by the Governour Council and Generall Assembly and by the Authority of the same, That the Treasurer of this Colony shall pay to His Excellency or His Order the Sum of Three thousand seven hundred and fifty Ounces of good Coined plate of Sevill, pillar and Mexico, Lyon Dollars or half Dollars at thirteen pennyweight and eighteen Grains for each Dollar, of Bills of Credit made Current in this Colony. Five hundred Ounces of said plate part thereof to be towards repairing the Fortifications at Albany and Schonectady, and Three thousand two hundred and fifty Ounces of plate, as aforesaid, residue thereof, for the Support and payment of one hundred and fifty Men, their Officers included, towards the Defence of the Fronteers in or about Albany this Ensuing Winter.

AND BE IT further Enacted by the Authority aforesaid, That One thousand two hundred and fifty Ounces of said plate, part thereof, be paid to His Excellency or His Order, immediately after the publication hereof, out of the Money raised by an Act passed this present Year Entituled an Act for Levying the Sum of Ten thousand pounds; And Two thousand five hundred Ounces More, residue thereof, to be paid to His Excellency or His Order on or before the thirtieth Day of March next Ensuing out of the Money to be raised by one Act passed this present Sessions of Assembly Entituled an Act for raising Two thousand Eight hundred fifty five Ounces of plate.

[CHAPTER 239.]

[Chapter 239, of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Bradford's 1715 ed., p. 88; Baskett, p. 136. See chapter 232. Revived by chapter 244.]

An Act for reviving an Act, entituled, an Act to prevent the Selling or giving of Rum or other Strong Liquors to the Indians in the County of Albany.

[Passed, November 24, 1711.]

BE it Enacted by the Governour Council & Asembly and by the authority of the Same, That one Act entituled, an Act, to prevent Selling or Giving of Rum or other Strong Liquors to the Indians in the County of Albany, made in the Eighth Year of Her Mat'ys Reign, expired by its own Limittation, and every Article, Clause, Condition and Proviso therein Contained, shall be and is hereby Enacted by the Authority aforesaid, to be of force untill the first day of May next, after the publication hereof, as if the same were herein particularly menconed and Expressed.

[CHAPTER 240.]

[Chapter 240, of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Bradford's 1715 ed., p. 88; Baskett, p. 136.]

An Act to oblige the Mannors in the County of West Chester to pay their Arrears of Taxes.

[Passed, November 24, 1711.]

BE IT ENACTED by the Governour Council and Assembly and by the Authority of the Same, That the Assessors and Collector of the next adjacent Town to any Mannor or precinct within the County of West Chester, who do not, or refuse or neglect, to Choose and appoint Assessors and Collectors for Levying and receiving the publick Money raised by Acts of Assembly, shall and are hereby required, impowered and authorized, to Assess and Collect the County and Publick Taxes hereafter to be laid, as they are required to do in their respective Towns, and the Arreares of such Taxes now due, according to the Tenors and Directions, and under the same pains and penalties of the several Acts of Assembly, the said several Mannors and precincts are in Arrear and have not paid, And pay the said Arrears of Taxes,

so to be Collected, to the County Treasurer, and to the Treasurer of this Colony respectively within Six Moneths after the publication hereof pursuant to the directions of said several Acts, to be apply'd as are therein mentioned.

AND BE IT further Enacted by the same Authority, That the said Assessors and Collectors, or in Case of their Death or removal, the Assessors and Collectors that shall be chosen or appointed, and every of them, shall have the same powers and Authorities, priviledges and Advantages for the putting this or any of the said Severall Acts in Execution, and be lyable to and undergo the same pains, penalties and forfeitures, in Case of any Omission, neglect or abuse, as the Assessors and Collectors in any or all the said Acts are endowed with, or are Subjected to, as if the same were particularly herein mentioned and Expressed.

THE FOURTEENTH ASSEMBLY.

Third Session.

(Begun May 1, 1712, 11 Anne, Robert Hunter, Governor.)

[CHAPTER 241.]

[Chapter 241, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford's 1715 ed., p. 154; Bassett, p. 139. Expired, June 6, 1722.]

An Act to Encourage the making Lintseed Oyle.

[Passed, June 6, 1712.]

WHEREAS John Van der Heul and John Rosevelt having set forth in their Peticon presented to the General Assembly, that by their Industry and great Charge they have Erected in the City of New York a Mill for Grinding Flaxseed and making Lintseed oyle, and have therein pray'd that an Act may pass in their favour that no such Mills may be permitted, used or Erected in this Colony, for a certain terme but by their Heires or Assigns. For the Encouragem't of others that may incline to advance or project any other Manufacture in this Colony. BE it Enacted by the Governour Council and Assembly and by the Authority of the Same, That no Person or Persons whatsoever from and after the publication of this Act Shall or may Erect or make use of a Mill for Grinding Lintseed or Flaxseed to make oyle for publick sale or Market for and during the terme of Ten Years from the publication of this Act but the Said John Vander Heul and John

Rosevelt and their Assigns to whom the Sole Benefit Proffit and advantage of making the said Oyle shall accrue and belong.

And be it further Enacted by the Authority aforesaid, That Such person or persons as shall Erect or make any Mill to Grind Lintseed or Flaxseed for producing the said Oyle from and after the publication of this Act, whereby the true Intent and meaning thereof may be frustrated, shall forfeit and pay the Sum of Two hundred pounds, Current money of the Colony of New York, unto the Said John Vander Heul and John Rosevelt to be by them & their Assigns recovered in any Court of Record within the said Colony by Action of Debt.

[CHAPTER 242.]

[Chapter 242, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford's 1715 ed., p. 151. Title only is printed in Baskett, p. 139.]

An Act for paying Eight Thousand Twenty five Ounces of Plate to his Excellency.

[Passed, June 6, 1712.]

BE it Enacted by the Governour, Council and Assembly and by the Authority of the Same. That the Treasurer of this Colony shall pay to his Excellency Robert Hunter Esqr. the Governour of this Colony or his Assigns towards the Support of the Government from the Thirteenth day of June Seventeen hundred and ten, Eight thousand and Twenty five Ounces of Plate, of the Spanish Coins of Sevill, Pillar or Mexico, Lyon Dollars or half Dollars at Thirteen penny Weight and Eighteen Grains for each Dollar or in Bills of Credit made Current in this Colony out of any Publick mony now in his Hands or that shall be by him received and the receipt of his Excellency or his Assigns, shall be To the said Treasurer a Sufficient Discharge for the Same.

[CHAPTER 243.]

[Chapter 243, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford's 1715 ed., p. 152 Title only is printed in Baskett, p. 140.]

An Act for paying the Arrears due to the Forces late rais'd in the County of Suffolk for the Expedition against Canada in the Year one thousand seven hundred and nine.

[Passed, June 26, 1712.]

BE IT Enacted by his Excellency the Governour Council and General Assembly, and by the Authority of the Same, That

there be given and granted to Her Majesty Her Heirs and Successors, Eight hundred Ounces of plate of Sevill, Pillar and Mexico, and no more, to be laid, assessed, raised and levyed upon the Estates real and personal of all and every the Inhabitants Residents Sojourners and Freeholders of and in the County of Suffolk within the Colony of New York, to be paid to Capt. Samuel Mulford at or before the first Day of May One thousand seven hundred thirteen.

AND BE IT further Enacted by the Authority aforesaid, that the said eight hundred ounces of plate shall be applyed for the payment of those men within that County Listed upon the Expedition to Canada in the Year one thousand seven hundred and nine, which remains yet unpaid for those several Days above three Moneths, and their passages from Albany and Incidentals, according to the Sums per Day allowed them in an Act made in the Eighth Year of Her Majesty's Reign for paying them for three Moneths And the said Capt. Samuel Mulford, without any ffee or Reward, shall pay or cause to be paid unto Each Man which was upon that Expedition at that time So much as shall be made appear to him to be due to them. And to render Account unto the Supervisors of the County aforesaid of the moneys soe by him to be paid, and the Remainder and Surplusage (if any shall be) of the said Money shall pay into the Treasury of that County for the Use of the County aforesaid.

AND BE IT further Enacted by the Same Authority, for the better Assessing, Raising, Collecting and Receiving the said Eight hundred Ounces of Plate, the Supervisors shall Quota the same to the several Towns, Manors and precincts within the said County, And send a Duplicate of the same Quota to the Assessors of each Town, Manor and precinct, And the Assesors to give a List of their Assessment to the Collectors of the same Town, Manor, and precinct, where they are Assessors.

AND BE IT further Enacted by the Authority aforesaid, That the Assessors and Collectors are hereby required to Assess and Collect the said Eight hundred Ounces of plate as abovesaid, and have such Allowance, and upon the pain and penalty in an Act for raising four thousand pounds, made in the Eighth Year of Her Majesty's Reign.

AND BE IT further Enacted by the Authority aforesaid, That Lyon Dollars & half Dollars shall be received of equal Value to thirteen pennyweight and eighteen Grains of plate aforesaid for each Dollar, and Bills of Credit according to their Currency.

[CHAPTER 244.]

[Chapter 244, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford's 1715 ed., p. 152. Title only is printed in Baskett, p. 140. See chapters 210, 239. Expired, June 1, 1713. Further provided for, so far as selling liquor to Indians is concerned, by chapter 317.]

An Act reviving an Act entituled an Act to prevent the Selling or giving of Rum or other Strong Liquors to the Indians in the County of Albany and for reviving an Act for the better Watching and guarding the City of Albany.

[Passed, June 26, 1712.]

Be it Enacted by the Governour Council and Assembly and by the Authority of the same, That one Act entituled an Act to prevent the Selling or Giving of Rum or other Strong Liquors to the Indians in the County of Albany, and an Act entituled an Act for the better Watching and Guarding the City of Albany made in the Eight Year of Her Mat'ys Reign expired by their own Limittation, and every Article Clause Condicon and provisoe in the said Acts contained shall be & are hereby Enacted by the Authority aforesaid to be of, & Continue in force until the first day of June next after the publication hereof as if the same were herein particularly Menconed & Expressed.

[CHAPTER 245.]

[Chapter 245, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford's 1715 ed., p. 153. Title only is printed in Baskett, p. 140. Expired June 26, 1717. Revived by chapter 350.]

An Act for prohibiting all persons but John Parmiter and his Assigns to make Lamb black during the Space of five Yeares.

[Passed, June 26, 1712.]

WHEREAS John Parmiter having by his Petition pray'd an Act may pass That no person may be permitted to make Lamb black in this Colony for a certain Term but him and his Assigns.

BE IT Enacted by the Governour Council and Assembly and by the Authority of the same, That no person or persons whatsoever from and after the publication of this Act shall or may make Lamb black for publick Sale, for and during the term

of five Years from the publication of this Act but the said John Parmiter and his Assigns. And such person or persons as shall make any Lamb black from and after the publication of this Act whereby the true meaning thereof may be frustrated shall forfeit the Sum of fifty pounds Current Money of New York unto the said John Parmiter or his Assigns to be recovered in any Court of Record within this Colony by Action of Debt. PROVIDED always, and it is hereby further Enacted, That in Case the said John Parmiter or his Assigns Do within the said term of five yeares Neglect or Desist or Give over the making of the said Manufacture of Lamb black That then any other person may make the said Manufacture of Lamb black, without Incurring the Penalty mentioned in this Act, Any thing to the Contrary hereof in any ways notwithstanding.

[CHAPTER 246.]

[Chapter 246, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford's 1715 ed., p. 151. Title only is printed in Baskett, p. 140.]

An Act for paying the Brittish Officers.

[Passed, June 26, 1712.]

Be it Enacted by his Excellency the Governour Council and Assembly and by the Authority of the Same that the Treasurer of this Colony shall and is hereby required to pay to the Brittish Officers Sent by Her Mat'y to be, and who were, Imploy'd in the late Expedition against Canda, Seven hundred Eighty Seven Ounces and one half of Plate, of Sivill, Pillar or Mexico, or in Bills of Credit Current in this Colony. That is to Say, to every one of them or their Assigns, whose names are hereinafter mentioned, Thirty Nine ounces and three Eighths of an Ounce of Such Plate or Bills of Credit. The names of the said Brittish Officers being as followeth. William Mathews, William Hellen, Matthew Low, Thomas Garlands, James Dunbar, Andrew Nickel, William Moor, Alexander Blackhal, Edmund Blood, John Bennet, James Hall, Richard Kitchiner, Phillip Buchurst, Timothy Bagley, Samuel Babingtoune, Martin Groundman, Thomas Burnit, Walter Harris, William Wilkinson and Abraham Gee.

[CHAPTER 247.]

[Chapter 247, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford's 1715 ed., p. 151. Title only is printed in Baskett, p. 140.]

An Act for paying Fifteen hundred ounces of Plate for Securing of the Fronteers about Albany.

[Passed, June 26, 1712.]

BE it Enacted by the Governour Council and Assembly and by the authority of the same. That the Treasurer of this Colony shall and is hereby required to pay, to Such of the Commissioners for the Indian Affairs at Albany for the time being as his Excellency under his hand shall direct Seven hundred and fifty ounces of Plate to be apply'd for Imploying Spyes and outscouts for Securing the Fronteers, one hundred and fifty days, from the first day of this Instant June, and Seven hundred and fifty Ounces of Plate, more to the said Commissioners or any five of them for paying an Account of Two hundred and One pounds thirteen shillings and Eleven pence half penny from the Commissioners of the Indian affairs at Albany disburst by them, and Several others, from the first day of March Seventeen hundred and Nine to the Twenty Sixth Day of August following, and for Outscouts that have Served last Winter in full discharge of all Debts Claimes and Demands whatsoever relating to the publick Service due to, or made by, or of, the Said Comm'rs or any from by and under them from the Eighteenth day of May w'ch was in the Year of our Lord One thousand Seven hundred and Nine untill the first day of June in this present Year of our Lord one thousand Seven hundred & twelve.

THE FOURTEENTH ASSEMBLY.

Fourth Session.

(Begun Aug. 28, 1712, 11 Anne, Robert Hunter, Governor.)

[CHAPTER 248.]

[Chapter 248, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford's 1712 ed., p. 155. Title only is printed in Baskett, p. 140.]

An Act for paying the respective Dues in Arrear and to be Collected.

[Passed, December 10, 1712.]

BE IT Enacted by the Governour Councill and Assembly and by the Authority of the Same, That the Collectors for the several

Countys, Citys, Towns, Mannors, Libertys, and Jurisdictions in this Colony, who were and have been at any time chosen and appointed to levy and collect all or any part of the Taxes raised in this Colony since the twenty seventh Day of September which was in the Year One thousand Seven hundred and Six untill the Publication of this Act or in Case of Death or removal the Collector or Collectors for the Time being shall and are hereby directed required and impowered to levy and Collect the Arreares of all or any part of the said Taxes according to the then several Assessments thereof made of and from the several and respective persons in the several and respective Countys, Towns, Mannors, Libertys and Jurisdictions in this Colony chargeable therewith who have not paid all or still are in Arrear for the said Taxes or any part thereof, and the Sums so levy'd and Collected with the Sums now remaining in any Collectors hands of any Assessment shall forthwith be paid to the Treasurer of this Colony for the Time being to be Issued and paid according to the Laws of this Plantation.

AND BE IT further Enacted by the Authority aforesaid, That the said Collectors and every of them shall have the same powers and Authoritys, Priviledges and Advantages for the putting this Act in Execution, and be lyable to and undergo the same pains and penaltys in case of any Omission, Neglect or Abuse as the Collectors in any or all the Acts of General Assembly are invested with or lyable unto as if the same were specially and particularly and at large mentioned in this Act.

AND BE IT further Enacted by the Authority aforesaid, That the Arrears of the Excise and all other the Taxes and Levys before exprest, due from the several Citys, Towns, Mannors, Burrows and Countys of this Colony be paid unto the said Treasurer within the Space of Six Moneths after the publication hereof under the penalty of Forfeiting double the Sum in Arrear by the person or persons making default contrary to the Intent of this Act, to be recovered by the Treasurer of this Colony, who is hereby required & authorized to Sue for the same by Action of Debt in any Court in this Colony, and to apply the same towards defraying the necessary Charge of the Colony, And that the said Treasurer defray and be allowed the Charge of such Suites out of the Colony's Money in his hands.

AND for as much as the better to colour the refusal to pay some of those Taxes Question has been made of the Legality of

the Acts passed during the Administration of Lieutenant Governour Ingoldsby, on pretence, That the General Assembly, called by the late Lord Lovelace, were dissolved by his Death, contrary to the Essential reason of Asemblys and the constant Usage of this Colony, for the resolving all such Doubts. BE IT Enacted by the Governour Council and Assembly, and IT IS hereby Declared and Enacted by the Authority of the Same, That the several Acts of Assembly hereafter mentioned past during the Administration of Lieut-Gov'r. Ingoldsby One Act Entituled an Act for Levying Six thousand pounds.

AN ACT for the Currency of Bills of Credit for five thousand pounds.

AN ACT for Levying divers Sums of Money for defraying the Charge of this Colony.

AN ACT for Levying a Duty on the Tonnage of Vessels and Slaves.

AN ACT for Levying four thousand pounds.

AN ACT for the Currency of Bills of Credit for four thousand pounds.

AN ACT for Levying Ten thousand Ounces of Plate or fourteen thousand five hundred forty five Lyon-Dollars.—And

AN ACT for the Currency of Bills of Credit for Ten Thousand Ounces of Plate or fourteen thousand five hundred forty five Lyon-Dollars, made in the Eighth Year of Her Majesty's Reign, always were Lawfull Acts of General Assembly and Laws of this Colony and still are in full vigour and force in the same (unless determined or expired by their own limitation) any doubt, question, Conceit, or Opinion to the Contrary hereof notwithstanding.

AND BE IT further Enacted by the Authority aforesaid, That the Mayor and Aldermen of the City of New York, the Mayor and Aldermen of the City of Albany, and the Justices of the Peace for the time being for the Several and respective Citys and Countys within this Colony, for which they shall be Justices of the Peace, do take effectual Care and are hereby Impowered and required to cause this Act and every Clause matter and thing therein to be put in Execution according to the true Intent and meaning of this Act, under the penalty and forfeiture of twenty pounds Current Money Each, to be recovered by the Treasurer of this Colony in any Court of Justice within the same, to be paid and apply'd as aforesaid.

AND BE IT further Enacted by the Authority aforesaid, That from henceforth no Mayor, Recorder or any of the Justices of the

Peace within this Colony shall be Assessors for any publick Money whatsoever to be Collected paid and received within this Colony.

AND BE IT further Enacted by the Authority aforesaid, That the Commissioners for the late Expeditions against Canada at Albany do lay an Accompt of the Colonys Stores before this House at the beginning of the next Meeting of Assembly, after the first Day of March next ensuing under the penalty of one hundred pounds Each Commissioner to be recovered and apply'd as aforesaid.

AND Be it further Enacted that the Justices of the peace of the severall respective Cities and Countys Shall within two Months after the publication of this Act Issue forth their Warrants to the severall and respective Collectors requireing them to bring in their Accounts to the said Justices of all the Arreares of such Taxes and Excise Which said Justices shall Transmitt the said severall Accounts unto the said Treasurer with the name of each respective Colleector and their Abode upon the penalty of Tenn pounds for each neglect of any of the said Justices to be Recovered by the said Treasurer in any Court of Record of this Colony with double Costs of Suite.

AND if it shall so happen, That the Arrears of Taxes Excises the Dutys upon Tonnage on Vessells and Slaves intended to be paid unto the Treasurer pursuant to this Act, shall, by Neglect or Default of the Treasurer, remain unpaid, contrary to the true Intent and Meaning of this Act, Then and in such case the Treasurer shall be accountable for such Money in Arrears and unpaid as if the same had been actually paid into his hands.

AND BE IT also Enacted by the same Authority, That in Case any Overplus of publick Taxes has been or shall be levy'd or shall or does remain in the hands of any of the Collectors of such publick Taxes in this Colony or in any other person or persons hands whatsoever, the same shall be paid into the Treasury of the several Citys and Countys respectively to be disposed of as the Supervisors of the respective Countys shall direct for the Use of such Countys, And in Case of Neglect or Denyal to do the same, an Action of Debt is hereby given to the Supervisors of each County respectively to recover the same from every person detaining such Overplus by them to be paid in and disposed as aforesaid.

[CHAPTER 249.]

[Chapter 249, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford's 1715 ed., p. 161. Title only is printed in Baskett, p. 146.]

An Act for the Treasurers paying Two hundred and ffifty Ounces of Plate To His Excellency, and that Coll Peter Schuylers Receipt shall discharge the Treasurer for one hundred pounds formerly allowed him.

[Passed, December 10, 1712.]

BE IT Enacted by the Governour Council and General Assembly and by the Authority of the Same, That the Treasurer of this Colony shall and is hereby required to pay in good plate of Sevil pillar and Mexico, Dollars and half Dollars equal to the value of thirteen pennyweight and eighteen Grains each Dollar, or Bills of Credit of this Colony, the Value of Two hundred and ffifty Ounces of plate to His Excellency the Governour, for paying such person or persons that were sent the last Summer to the Indians of the five Nations, to undeceive them of the ill Impressions they have received from the French, and engage them to a firm adherence to their Covenants and promises to this Government.

AND BE IT further Enacted by the Authority aforesaid, That the Receipt of Coll Peter Schuyler shall be a sufficient discharge to the said Treasurer for one hundred pounds directed to be paid him by an Act Entituled an Act for Levying four thousand pounds made in the Eighth Year of Her Majesty's Reign.

[CHAPTER 250.]

[Chapter 250, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford's 1715 ed., p. 157. Baskett, p. 141. Explained by chapter 341. Repealed by chapter 560.]

An Act for preventing Suppressing and punishing the Conspiracy and Insurrection of Negroes and other Slaves.

[Passed. December 10, 1712.]

BE IT Enacted by the Governour Council and Assembly and by the Authority of the Same, That no person or persons hereafter throughout this Colony, do presume to Trade with any

Slave, either in buying or Selling, without leave and consent of the Master or Mistress of such Slave, on penalty of fforfeiting triple the Value of the thing traded for, and the Sum of ffive pounds Current Money of New York to the Master or Mistress of such Slave, to be recovered of such person or persons so trading contrary to the true Intent of this Act by Action of Debt in any Court of Record within this Colony where such Sum or Sums is cognizable, and all Contracts and Bargains made with any Slave contrary to the Intent of this Act, shall be utterly void.

AND BE IT further Enacted by the Authority aforesaid, That hereafter it shall and may be lawful for any Master or Mistress of such Slaves to punish their Slaves for their Crimes and Offences at Discretion, not extending to Life or Member.

AND for as much as the Number of Slaves in the Cities of New York and Albany, and also within the several Countys, Towns and Mannors within this Province doth daily increase, and that they have been found oftentimes guilty of confederating together, in running away, or other ill practices, BE IT therefore Enacted by the same Authority, That it shall not hereafter be lawful for above Three Slaves to meet together at any other Time nor at any other place than when it shall happen they meet in some servile Employment for their Masters or Mistresses profit, or by their Masters or Mistresses Consent, upon penalty of being whipt upon the naked back, at the Discretion of any Justice of the Peace, not exceeding forty lashes. And that it shall and may be lawfull hereafter for any City or Town and Mannors within this Colony to have and appoint a common Whipper for their Slaves, and for his Salary it shall and may be lawfull for any City or Town within this Colony at their Common Council or Town-meeting to agree upon such Sum to be paid him by the Master or Mistress of Slaves per head, as they shall think fit, not exceeding three shillings per head for all such Slaves as shall be whipt as aforesaid. AND in Case any Slave shall presume to assault or strike any Freeman or Woman, professing Christianity, it shall be in the power of any two Justices of the Peace, who by this Act are hereunto Authorized, to inflict such corporal punishment (not extending to life or limb) upon him, her, or them, so offending, as to the said Justices shall seem meet and reasonable.

AND BE it further Enacted by the Authority aforesaid, That no person or persons whatsoever Do hereafter imploy, harbour, conceal, or entertain other Men's Slaves at their House, Out-

house or Plantation without the Consent of their Master or Mistress either signify'd to them verbally or by Certificate in Writing under the said Master's or Mistresses hand upon forfeiture of five Pounds for every night or day they are so entertain'd and conceal'd to the said Master or Mistress of such Slave or Slaves, so that the penalty for entertaining such Slave do not exceed the value of ye said Slave. AND if any person or persons whatsoever shall be found guilty of harbouring, entertaining or concealing of any Slave, or assisting to the conveying them away, if Such Slave shall happen to be lost, dead, or otherways destroyed, such person or persons so harbouring, entertaining, concealing, assisting, or conveying of them away, shall be also liable to pay the value of such Slave to the Master or Mistress, to be recovered by Action of Debt in manner aforesaid.

AND WHEREAS it often happens, that through the Lenity of the said Master or Person, under whose Care the said Negros or other Slaves are, the persons so entertaining and dealing with them are forgiven and not brought to condigne punishment, to the very great hurt not only of the said Masters but of other Her Majesty's liege people owning Negroes and other Slaves. Be IT therefore Enacted by the Authority aforesaid, That any Master or Mistress or person, under whose Care any Negro or other Slave is, that shall forgive, make up, compound, compromise or receive any other or less Consideration than is by this Act prescribed, shall forfeit double the Sum the said person or persons entertaining ought to have forfeited, to be recovered by Action of Debt Bill plaint or Information in any Court of Record within this Colony, wherein there shall be no Essoigne, protection, Wager of Law, or any more than one Imparlance allow'd, one half thereof to the person that shall Sue for the same, the other half to Her Majesty Her Heirs and Successors towards defraying the publique Charge of the City, Town, County, Burrough, Mannor or precinct, in which the Master, Mistress or Owner of such Slave doth dwell or Inhabit, to be recovered by Action of Debt in any Court of Record as aforesaid.

BE IT also Enacted by the Authority aforesaid, That if any person or persons, knowing of such Entertainer of any Slave or Slaves, and dos not discover the same to the Master, Mistress or person Under whose care the said Slave or Slaves are, or to some One Justice of the Peace, or being suspected to know, dos upon Complaint not discover the same, or upon Tender of an

Oath by any Justice of the Peace before whom such Complaint shall come, who is hereby authoriz'd to administer the same, shall refuse to take such Oath and purge himself, the said person so neglecting or refusing to discover or take the said Oath shall forfeit the Sum of Two Pounds to be immediately after conviction levied upon his goods and chattles to the use of the person or persons who shall inform or complain; And in Case there be no goods and chattles, then upon the body of the person offending who shall be committed to Goale till he pay and satisfy the said Sum of forty shillings and charges accruing thereon. And if it afterwards appears, that any person or persons, who by this Act are oblig'd to purge themselves by their Oath, have sworn falsly, such person so offending shall incurr the like pains and penalties as those who are guilty of willfull perjury, and be prosecuted accordingly.

AND WHEREAS there aremany Negroes, Indians or Mallattos, who have been formerly manumitted and made free within this Colony by their Masters or owners, and it is found by Experience, that they entertain, harbour, support and encourage Negro-Indian-and Mallatto Slaves, to the great detriment of the Masters of such Slaves, and of other Her Majesty's liege Subjects within the said Colony; BE IT therefore Enacted by the Authority aforesaid, that if any Negro, Indian or Mallatto made or born free or to be made free hereafter shall knowingly and wittingly entertain any Slave or Slaves absenting himself or themselves from his her or their Masters or Mistresses Service without leave first given and signified as aforesaid, or without the Master or person, under whose care the said Slave is, be present, the said-Negro, Indian or Mallatto so offending shall be forthwith apprehended and forfeit the Sum of Ten pounds for every night or day they are so entertain'd to the Master or Mistress of such Slave or Slaves to be recovered by action of Debt as aforesaid.

BE IT further Enacted, that no Negro, Indian or Mallatto, that shall hereafter be made free, shall enjoy, hold or possess any Houses, Lands, Tenements or Hereditaments within this Colony, but the same shall Escheat to Her Majesty Her Heirs and Successors.

AND Whereas it is found by Experience, that the free Negroes of this Colony are an Idle slothfull people and prove very often a charge on the place where they are, BE IT therefore further Enacted by the Authority aforesaid, That any Master or Mistress,

manumitting and setting at Liberty any Negro, Indian or Malatto Slave, shall enter into sufficient Security unto her Majesty her heires and Successors with two Sureties not less than the Sum of Two hundred pounds, to pay Yearly and every Year to such Negro Indian or Mallatto Slave during their Lives the Sum of Twenty Pounds lawfull money of this Colony; AND if such Negro Indian or Mallatto Slave shall be made free by the Will or Testament of any person deceased, that then the Executors of such person shall enter into Security as above immediately upon proving the said Will or Testament, which if refused to be given, the said manumission to be void and of none effect.

BE IT further Enacted by the Authority aforesaid, that all and every Negro Indian or other Slave, who after the Publication of this Act shall murder or otherwise kill, unless by misadventure or in Execution of Justice, or conspire or attempt the Death of any of Her Majesty's liege people, not being Slaves, or shall committ or attempt any rape on any of the said Subjects, or shall willfully burn any dwelling-house, barn, stable, out-house, stakes of Corn or Hay, or shall willfully mutilate, mayhem or dismember any of the said Subjects, not being Slaves as aforesaid, or shall willfully murder any Negro, Indian or Mallatto Slave within this Colony, and shall thereof be convicted before three or more of Her Majesty's Justices of the Peace, one whereof to be of the Quorum, who are hereby authorized to hear and Determine the same in Conjunction with five of the principal ffreeholders of the County wherein such fact shall be committed, without a Grand Jury, Seven of whom agreeing shall put their Judgment in Execution, according to this Act, or before any Court of Oyer and Terminer or General Goale delivery, he, she or they so offending shall suffer the pains of Death in such manner and with such circumstances as the aggravation or enormity of their Crimes in the Judgment of the Justices of those Courts aforesaid, or as in the judgment of Seven of the said Justices and ffreeholders they shall merit and require.

BE IT hereby further Enacted, that upon Complaint made to any one Justice of the Peace against any Indian Negro or Malatto Slave or Slaves, who have or are suppos'd to have committed any of the Murders, Rapes, Mayhems, Insurrections, Conspiracies, mentioned in this Act, the said Justice is immediately to issue out his Warrant to the next Constable, to apprehend the said Offender or Offenders, and for all or any person or persons to

come before him, that can give Evidence, and if upon Examination it appears that the person or persons apprehended are guilty, he shall committ him, her or them to prison, and also shall certify to the two next Justices of the Peace the said Cause, and to require them by Virtue of this Act to associate themselves to him, which the said Justices are hereby required to do, and they so associated are to issue their Summons to five ffreeholders, acquainting them with the Cause and appointing them the time and place the same shall be heard and determined, and which time and place the Justices are hereby impowered to appoint some person to prosecute the said Offender or Offenders, and the person so appointed shall preferr an Accusation in Writing, specifying the time, place and nature of the offence as near as conveniently may be, to which Accusation the Offender or Offenders shall be obliged to plead, and, upon refusal to plead, the like Judgment shall be given against the person or persons so accus'd as if convict by Verdict or Confession, and upon pleading thereunto the Justices shall proceed to Tryall in conjunction with the said Freeholders so Summoned as aforesaid, to which ffreeholders no peremptory challange shall be allowed; And if upon hearing the Matter (the said ffreeholders being first sworn by the said Justices to Judge according to Evidence) they shall adjudge the Negro Indian or Mallatto Slave or Slaves guilty of the Offence complain'd of, they shall give Sentence of Death upon him her or them as aforesaid, and by their Warrant cause immediate Execution to be done by the common or any other Executioner in such manner as they shall think fit. PROVIDED always, and IT IS hereby further Enacted, that if any Master or Mistress of any Negro Indian or Mallatto Slave be inclin'd to have his or her Slave or Slaves try'd by a Jury of Twelve Men, it shall be granted such Master or Mistress, paying the Charge of the same, not exceeding the Sum of Nine Shillings to the Jury, then and in such Case there shall a precept be Issued by the Justices to the next Constable to Summon a Jury of Twelve Men, who shall be Sworn to try according to Evidence, and the Justices shall proceed to Tryall by the said Jury Summon'd and Sworne as aforesaid (without a Grand Jury) to which Jurors no peremptory challenge shall be allowed.

AND BE IT further Enacted by the Authority aforesaid, that it shall not be lawfull for any Negroe, Indian or Mallatto Slave to have or use any Gun or Pistoll but in his Master's or Mistresse's

presence or by their direction on penalty of being whipt for the same at the Discretion of the Justice of the peace before whom such Complaint shall come not exceeding twenty lashes on the bare back for every such Offence.

AND BE IT further Enacted, That every Justice of the Peace, Constable, or other Officer, neglecting, delaying or refusing to perform their several Dutys enjoyn'd by this Act shall for every such Offence forfeit the Sum of Two pounds to Her Majesty Her Heirs and Successors to be recovered by Action of Debt in any Court of Record within this Colony, and Every ffreeholder Summon'd as aforesaid and refusing to Serve shall forfeit the Sum of Twenty Shillings, to be levied by the Constable by Warrant of Distresse from the Justices of the Peace Assembled to try the said Slave, who are hereby required immediately upon such refusall to Issue their Warrant for levying the same accordingly.

AND BE IT further Enacted by the Authority aforesaid, That the Charge of prosecuting and Executing Negroes and Slaves in manner before expressed shall be paid and defray'd by the City or County where such Negroes or Slaves shall be Convicted and executed, and be laid, assessed and levyed in the same manner as the publick and necessary charge of such City or County are or used to be raised, and to be distributed by the order and direction of those hereby Impowered to hear and determine the Crimes of such Negroes and Slaves offending as aforesaid, so as the said Charge shall not exceed the Summ of three pounds Current money of this Colony for each Conviction and Execution.

AND BE IT also Enacted by the same Authority, That in the City and County of New York the Justices of the Peace do take effectual care in Case such Conviction and Execution happen within their Jurisdiction that such Charge as abovesaid shall be raised and levy'd by the sworn Assessors of the said City and Collected by the Collectors and paid to the Treasurer of the City, who is required to pay the same by order and direction as abovesaid, and every person or persons refusing, neglecting or delaying to perform the Duty hereby required shall forfeit the Sum of Ten pounds Current Money aforesaid, to be recovered in manner as in this Act is before Expressed.

[CHAPTER 251.]

[Chapter 251, of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Bradford's 1715 ed., p. 162; Baskett, p. 145. Livingston & Smith state that this act was confirmed by King George the First, October 24, 1717.]

An Act to Enable William Anderson to Sell a Lott of Ground in Queen Street the Estate of the said William in Right of Deborah his Wife deceased for the payment of Debts contracted by his said Wife before their Intermarriage.

[Passed, December 10, 1712.]

WHEREAS Deborah the late Wife of William Anderson Gentl'n was in her Life time Seiz'd of a certain Lot of Land in Queen Street in the City of New York, bounded Easterly by the Ground late of Henry Brasier and Deirk van Cliffe deceased, North by the Ground of the said van Cliffe, To the West by the Ground of Abraham Moll and of Mattys Buckhout, and South by the Street, in her Demesne as of Fee, and being so Seiz'd, did, (while She was Sole) become Indebted to Several Persons in great Sums of Money, after which the said William Anderson and Deborah did Intermarry and had Issue John Anderson and William Anderson now living being Infants under the Age of one and twenty Yeares. AND Whereas the said Deborah is lately deceased, whereby the said William hath an Estate in the said Lot of Land for his natural Life as Tenant by the Courtesy of England. AND Whereas the said William Anderson hath paid upwards of four hundred pounds in Discharge of the said Debts of his said Wife, whereby he was brought under a necessity to take up several Sums of Money at Interest which said Money, amounting to the Sum of ffour hundred Pounds, lyes now a Debt upon him the said William Anderson, and he unable to pay and satisfy the same otherwise than by the Sale of the said Lott of Land, and therefore hath humbly prayed that for the payment of the Debts Contracted by him as aforesaid and to prevent the growing Interest for the same IT MAY BE Enacted and IT IS hereby Enacted by the Governour Council and General Assembly and by the Authority of the Same. That the said William Anderson be and the said William Anderson hereby is Enabled and Invested with full power and Authority to all

Intents and purposes to Sell Convey and Assure the said Lott of Land in Queen Street aforesaid with the appurtenances unto any person or persons whatsoever, and that such Sale, Conveyance or Conveyances, Deed or Deeds, Assurance or Assurances of the said Land with the Appurtenances by him the said William Anderson in Due form of Law executed shall be good and valid in the Law and shall Enure to such uses as shall be therein express'd as fully as if the said William Anderson had an Estate in Fee Simple in the same Land and premises with the appurtenances Notwithstanding the Minority of the said John Anderson and William Anderson Sons of the said William Anderson or their not being parties thereunto or any other Defect or Insufficiency whatsoever; So always, as the Moneys arising by such Sale be apply'd towards indemnifying the said William Anderson by paying and Discharging Debts amounting to Four hundred Pounds upon the occasion aforesaid by him Contracted; And in Case, after the Sum of Four hundred Pounds aforesaid shall be paid, there shall be any part of the purchase Money remaining, the same shall be Secur'd and paid to and for the use and benefitt of the said John Anderson and William Anderson the Infants aforesaid in such manner as the Governour of this Colony shall direct and appoint.

AND IT IS hereby further Enacted and Declared by the Authority aforesaid, That the said John Anderson and William Anderson the Children of the said William and Deborah and their Heirs and the Heirs of either of them and the Right Heirs of her the said Deborah is are and shall be hereby, and by such Sale to be made of the said Lott of Land with the appurtenances by the said William in pursuance and by Virtue of this Act, for ever barr'd from any Right, Estate, or Title, Interest, or Demand whatsoever of and in the said Lott of Land with the appurtenances either by Descent or otherwise howsoever, Saving to her Majesty her heirs and Successors all Bodys Politick or Corporate and all and every person or persons whatsoever any Right, Claim or Interest in the said Lott of Land and Premises, other than the said John Anderson and William Anderson the children of the said William and Deborah and the Right Heirs of the said Deborah, any thing herein to the Contrary thereof notwithstanding.

[CHAPTER 252.]

[Chapter 252, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford's 1715 ed., p. 158, 162. Title only is printed in Baskett, p. 145.]

An Act to appoint Commissioners to Examine and State the several Claims alledged as Debts of the Government.

[Passed, December 10, 1712.]

FOR THE BETTER Examining and true Informing the Sundry Claims divers persons do alledge as Debts of this Government BE IT Enacted by His Excellency, by and with the Advice and Consent of the Council and General Assembly, and by the Authority of the Same, That Major David Provoost, Mr. Robert Watts, Mr. John Cruger, Mr. Abraham Wendall, Mr. Philip Schuyler, or any three of them, shall be and are hereby Impowered, constituted, appointed and required to Receive, Examine and State the several Claims alledged as Debts of the Government, and to send for persons, papers and Records, and to administer an Oath or Oaths for discovering the truth of such Debts when the same appear to them doubtful or uncertain, and make their Report thereof to the General Assembly within fifteen Days after their next Meeting of the Sums and the nature of such Claims, how they came to be Contracted, and for what necessarys and Services, and how farr the same or any of them are reasonable Charges on the people of this Colony.

AND BE IT further Enacted by the Authority aforesaid, That all and every of the said Commissioners shall take the Oath hereafter mentioned before any one of the Justices of the Supream Court or the Mayor of the City of New York for the time being who are hereby authorized and required to administer the same in manner following, vizt: I: A: B: do Swear that according to the best of my Skill and knowledge I will faithfully and impartially Examine and State the Claims alledged as Debts of the Government that shall be brought before me, So help me God.

AND BE IT Enacted by the Authority aforesaid, That every of the said Commissioners shall have and receive such Suitable Reward for their trouble as aforesaid when they shall have made the Report hereinbefore expressed as the General Assembly after Receiving such Report of the Commissioners aforesaid shall think fit to allow them.

[CHAPTER 253.]

[Chapter 253, of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Bradford's 1715 ed., p. 162, 166; Baskett, p. 145.]

An Act to Enable Mary Bratt the Widow of Johannes Bratt late of the County of Albany to dispose of part of the Lands and Tenements formerly belonging to the said Bratt for payment of his Debts and Educating his Children.

[Passed, December 10, 1712.]

WHEREAS the said Johannes Bratt was murdered by Indians in the County of Albany and his dwelling house burnt and Cattle killed, and the said Mary being left his Widow with seven young Children, the said Johannes Bratt dying Intestate and very much indebted for the purchase of a certain tract of Land at Scachtecoke in the said County and leaving no personal Estate to discharge the same or educate his Children.

BE IT Enacted by the Governour Council and Assembly and by the Authority of the Same, That the said Mary Bratt is hereby Enabled and Invested with full power and Authority to all Intents and purposes to Sell Convey and Assure all and every or any part or parcell of the Houses Lands or Tenements in the City of Albany with their or any of their Appurtenances which the said Johannes Bratt stood Seiz'd of at the Time of his Death unto any person or persons, and that such Sale, Conveyance, Deed or Deeds of the said Houses Lands or Tenements with their or any of their appurtenances by the said Mary Bratt in due form of Law Executed shall be good and valid in the Law to all Intents and purposes whatsoever So as the Money arising by such Sale be applied to paying the Debts and Educating the said Children of the said Johannes Bratt. Saveing the Right of her Majesty her heires and Successors of all Bodyes Politick or Corporate and of all other persons whatsoever, Except the said Mary Bratt and the right Heirs of the said Johannes Bratt.

AND BE IT further Enacted by the Authority aforesaid, That all other the Houses Lands and Tenements, not in the City of Albany, formerly belonging to the said Johannes Bratt, shall be Equally divided among the Children of the said Bratt, the Eldest of the said Children being by this Act Entituled to Choose to himself any one of the said parts According to his best liking.

[CHAPTER 254.]

[Chapter 254, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford's 1715 ed., p. 159. Title only is printed in Baskett, p. 145.]

An act that certain monys Levy'd on the Inhabitants of Kings County, remaining in the hands of the Collectors be paid to the Treasurer of that County.

[Passed, December 10, 1712.]

WHEREAS there is in the hands of some former Collectors in Kings County Some overplus of former Taxes not duely appropriated. Be it Enacted by the Govern'r Council & Assembly and by the Authority of the same that the Sums of Twelve pounds Sixteen shillings & four pence half penny in the hands of Englebert Lot of Flatbush, Nineteen pounds and thirteen shillings in the hands of Aart Aartse of the Town of Brucklin, & Eight pounds fourteen shillings & one penny in the hands of Clause Barentsebloome, shall by them be paid to the Treasurer of the said County within two months after the publication of this Act to be by him apply'd towards defraying the publick & necessary Charge of the same County by Warrant from the Supervisors or Major part of them.

And be it further Enacted by the Authority aforesaid, that in Case some or part of the Sums of money before mentioned be not already Collected and received, that the said Collectors shall have hereby full power to Collect & Levy the same according to the Tenor of their former Lists of Assessments & Warrants to them delivered.

Provided always that the Collectors before men'coned may retain in their hands respectively Nine pence for each pound by them Collected pursuant to the said Warrants and Lists.

And be it further Enacted by the Authority aforesaid, That if any of the above mentioned Collectors or any of them shall refuse neglect or Delay to Collect & pay the aforesaid Sums of mony into the hands of the Treasurer as aforesaid, the Collector So refusing neglecting or Delaying Shall respectively forfeit the Sum of Twenty pounds Current mony of this Colony to be recovered in any Court of Record by the Supervisors in the County aforesaid & to be by them paid & applyed as aforesaid any thing herein contained to the Contrary hereof notwithstanding.

[CHAPTER 255.]

[Chapter 255, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford's 1715 ed., p. 159. Title only is printed in Baskett, p. 145. Expired, October 1, 1715.]

An Act for better Repairing the ffortifications of the City of Albany and Town of Schonegtade and providing their Military watches with ffirewood.

[Passed, December 10, 1712.]

WHEREAS it is highly necessary That the ffortifications of the City of Albany and the Town of Schonegtade be kept in good Repair for the Defence of the said ffronteers against the Invasions of the ffrench and Indians. BE IT therefore Enacted And it is hereby Enacted by His Excellency the Governour and Councill and Assembly and by the Authority of the same That it shall and may be Lawfull to and for the Mayor Aldermen and Commonalty of the said City of Albany for the time being or the Major part of them in Common Council Assembled to levy and raise upon all and every the ffreeholders Inhabitants and sojourners inhabitating dwelling or residing within the said City from time to time and at all times during the Continuance of this present Act by equal proportions according to their respective Estates Such and so many Stockadoes for repairing the ffortifications of the said City and so many Load of ffirewood for the Use of their Military Watch to be by them brought and delivered to such place or places or such person or persons in the said City for the Uses aforesaid as to the said Mayor Aldermen and Commonalty Assembled as aforesaid shall from time to time seem meet.

AND BE IT further Enacted by the Authority aforesaid, That it shall and may be Lawfull to and for the Justices of the Peace of the County of Albany dwelling in the Town of Schonegtade and precincts thereof in the said County or the Major part of them to raise and levy upon all and every the ffreeholders Inhabitants and Sojourners inhabitating and dwelling within the said Town and precincts thereof and Out Plantations to the same belonging Yearly and once in every Year during the Continuance of this present Act for the use of Her Majesty Her Heirs and Successors Thirty Ounces of plate to be Employed by the said Justices of the Peace for and towards the repairing of the Watch-Houses and Gates of the said Town and for no other use or pur-

pose whatsoever, As also such and so many Stockadoes as shall be wanting for the ffortifications of the said Town and so many Load of ffirewood as shall be necessary for the use of their Military watch in like manner as is herein directed for the City of Albany. And for the better Executing of this Act BE IT Enacted And IT IS hereby Enacted by the Authority aforesaid That the Stockadoes Money and ffirewood to be Levyed by Virtue of this Act shall be raised levyed Collected and paid in the same and like manner as all other publick Taxes of this Colony are used to be levyed collected and paid, save only that the Stockadoes and ffirewood are to brought to such place and places as by the Mayor Aldermen and Commonalty of the said City of Albany and by the said Justices of the Peace in the Town of Schonegtade in each respective place shall be directed and appointed at the Charge of the party who shall be assessed to deliver the same, And more particularly according to the rules and directions and under the same and the like penalties and forfeitures as are directed and appointed in and by An Act of the General Assembly of this Colony made and Enacted in the Eighth Year of Her present Majesty's Reign Entituled An Act for Levying four thousand Pounds as if the same had been herein particularly mentioned and exprest Any Law Usage or Custom to the contrary hereof in any wise notwithstanding. PROVIDED always That this Act nor any Clause herein contained shall be any longer in force than untill the first Day of October which shall be in the Year of our Lord One thousand seven hundred and fifteen any thing herein contained to the contrary hereof in any ways notwithstanding.

And BE IT further Enacted by the Authority aforesaid That the several and respective Collectors of the City and County of Albany are hereby required to Collect the remaining part of one hundred forty one pounds raised in the said County to be paid to the County Treasurer for paying the forty seven Men who served under Lieut Coll John Schuyler as Capt in the last Expedition against Canada And Eight pounds sixteen shillings and three pence for the said Collectors And Six pence per pound to the said Treasurer and that the Justices of the Peace in the said City and County or any five of them and the Collectors of the said City and County shall have the same power and Authority for the Execution of this Act and be lyable to such paines and penalties mentioned in the said Act Entituled An Act for Levying four thousand pounds.

[CHAPTER 256.]

[Chapter 256, of Livingston & Smith and Van Schaack, where the title only is printed. Title is printed in Bradford's 1715 ed., p. 162, 166; Baskett, p. 140. See chapter 112.]

An Act For making good the publick Credit given by an Act of General Assembly Made in the first Year of Her Majestys Reign for raising Eighteen hundred pounds for the Uses therein mentioned, and for discharging the remaining part of the Money still due on the Sum advanced upon the Credit of the said Act with the Interest thereof.

[Passed, December 10, 1712.]

WHEREAS by an Act of General Assembly of this Province made in the first Year of the Reign of Her present Majesty, Entituled: An Act for the Levying and Collecting the Sum of Eighteen hundred pounds for the raising, levying and maintaining one hundred and fifty Fusileers with their proper Officers for five moneths, and thirty Men with their proper Officers to be imployed as Scouts Sixty two Days for the Defence of the Frontiers, it was Enacted, that what person or persons soever should advance any Sum or Sums of Money not exceeding the Sum of one thousand pounds upon the Credit of that Act for the Ends and purposes therein mentioned, and should pay the same unto the Receiver General of this Colony, or to the Commissioners for executing the Office of Receiver General for the time being, should have and receive back the Sum and Sums of Money soe by them advanced soe soon as the same could be Collected, with Allowance after the Rate of Ten per Cent per Annum untill they should be reimbursed the same. AND WHEREAS the Sum of five hundred pounds was advanced upon the credit of the said Act by Gerardus Beekman Esq'r and Caleb Heathcote Esq'r together with several other persons, which are all since dead or gone out of this Colony, whereby the said Gerardus Beekman & Caleb Heathcote are now and stand bound as Contra-Security for the payment of the said Sum with the Interest of Ten per Cent unto Coll William Peartree. AND WHEREAS by an other Act of General Assembly of this Colony made in the seventh Year of Her present Majestys Reign Entituled an Act for Refunding Seven hundred and eleven pounds ten shillings and five pence half penny misapply'd in the Eighteen hundred pounds Tax, reciting that the Sum of Seven hundred eleven pounds Ten shillings and five pence half penny, part of the said Eighteen hundred

pounds Tax by the before recited Act raised, was not applyed to that use, but Made use of for those Services for which Her Majesty's Revenue was raised by occasion whereof the said Debt due to the said Coll Peartree, amounting the third of December then next after the Act with Interest unto the Sum of Six hundred forty Six pounds thirteen Shillings and four pence borrowed on the Credit of that Tax remain'd unpaid, and that it was reasonable, that Her Majestys Revenue should make good what had been borrowed out of that Tax and disbursed for the ordinary Charges of the Government; It was therefore Enacted, that the Collector and Receiver General of this Colony or such person or persons as for the time being should execute that Office, should pay out of the first Money that should come into his hands on any Branch of Her Majesty's Revenue whatsoever, the said Sum of Six hundred forty Six pounds thirteen shillings and four pence to the said Coll William Peartree, according to the true Intent of the aforesaid Act for raising Eighteen hundred pounds, under the penalty of Seven hundred pounds, to be recovered and apply'd in such manner as in the said Act is Set forth, PROVIDED, nothing in the said Act should extend to release any person or persons who had receiv'd and misapply'd any of the said Tax, or other Taxes, but only of so much as should be paid by Virtue of the said Act. AND by the said Act, IT WAS further Enacted, That in Case it should soe happen, That the said Sum of Six hundred forty six pounds thirteen shillings and four pence should not be paid to the said Coll William Peartree before the said third Day of December then next, according to the true Intent of the said Act, That then it should be lawfull for the Lord Viscount Cornbury, the said Gerardus Beekman and Caleb Heathcote or either of them, his or their Executors and Administrators, by Virtue of the said Act, to have an Action against Coll Thomas Whenham and Peter Fauconier Esqr's their Executors and Administrators for the said Sum of Six hundred forty Six pounds thirteen shillings and four pence, having been Commissioners and Received the Moneys arising by the Eighteen hundred pounds Tax aforesaid, as by the said last recited Act may more at large appear. AND WHEREAS in pursuance of the said last recited Act the Sum of four hundred twenty five pounds twelve Shillings and eleven pence out of the Revenue aforesaid hath been paid unto the said Coll Peartree in part of the Debt aforesaid. AND WHEREAS the said Revenue is long since expired, and the aforesaid Thomas Whenham is since deceased, whereby the aforesaid last recited Act

and for defects therein is become ineffectuall for the payment of the remaining part of the said Debt amounting to two hundred one and twenty pounds and five pence, that the aforesaid Gerardus Beekman and Caleb Heathcote are still lyable to the payment of the same out of their own private Estate, with the Interest thereof, amounting in all on the third Day of December next ensuing to the Sum of Three hundred nine pounds eight Shillings and seven pence.

NOW for the Supporting and maintaining the publick ffaith and Credit given for the said Act for raising the Eighteen hundred pound Tax before mentioned, and for the discharging the said Gerardus Beekman and Caleb Heathcote from the Securitys soe entred into by them upon the publick Credit given by the same Act, And to prevent any further Interest or Charges that may accrue on the same.

BE IT therefore Enacted by the Governour Council and Assembly, and by the Authority of the Same, That the Treasurer of this Colony shall and do pay, out of the publick Moneys that shall Come to his hands after the first Day of May next ensuing, (and not particularly appropriated) the aforesaid Sum of Three hundred nine pounds eight Shillings and seven pence unto the said Coll William Peartree or his Assigns, And that the several bonds or Securitys entred into by the several persons for the Security of the same to the said William Peartree delivered up and Cancelled, with the said William Peartree's Receipt for every particular Sum received, shall be a sufficient Voucher to the Treasurer for paying the same. And that the said above recited Act of General Assembly Entituled An Act for the Refunding Seven hundred and eleven pounds ten Shillings and five pence half penny misapply'd in the Eighteen hundred pounds Tax, and every Clause and Article therein Contained, be and it is hereby Repealed, Annulled and made Void.

[CHAPTER 257.]

[Chapter 257, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford's 1715 ed., p. 161, 165. Title only is printed in Baskett, p. 145. Expired, April, 1713.]

An Act for Electing or Appointing Four Assessors in the City and County of Albany.

[Passed, December 10, 1712.]

BE IT Enacted by the Governour Council and Assembly, and by the Authority of the Same, That the Inhabitants of the Second

Ward in the City of Albany shall upon Warning given from the Justices of the said City and County or from any Two of them, Elect one ffreeholder of the said Ward, to Serve as an Assessor, in stead and room of Mr. Johannes Cuyler; And that the Inhabitants of the third Ward in the said City shall in like manner Elect Two ffreeholders of that Ward, to Serve in stead of Mr. Hendrick Hanssen and Mr. Wessell ten Broek; And likewise That the ffreeholders and Inhabitants in the Mannor of Renslaerwyck Do in the same Manner as aforesaid Elect One ffreeholder of the said Mannor to Serve in stead of Captain Jonas Dow, at any time on or before the twenty fifth Day of December next ensuing. But if the Inhabitants and Freeholders as aforesaid upon such Warning given as above should neglect of all or any of such Election as aforesaid, Then the said Justices or any Five of them shall have Power and are hereby Authorized and required to appoint such ffour Persons, to Serve as Assessors as afore expresed, by Warrant under their hands and Seals, untill the first Tuesday in April, which will be in the Year of our Lord one thousand seven hundred and thirteen; And such persons, so Elected or appointed as aforesaid, shall be Subject to such pains and penalties as other Assessors of this Colony are.

[CHAPTER 258.]

[Chapter 258, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford's 1715 ed., p. 161, 165. Title only is printed in Baskett, p. 146. Expired, November 1, 1713. See chapter 235. Revived by chapter 260.]

An Act for reviving an Act, entituled, an Act for the better Setling the militia of this Province & making it more Usefull for Security & defence thereof & for repealing all former Acts heretofore made in this Province relating to the Same.

[Passed, December 10, 1712.]

Be it Enacted by the Govern'r Council and Assembly and by the Authority of the same, That an Act, entituled an Act for Setling the Militia of this Province, and making it more Usefull for Security and defence thereof, and for repealing all former Acts heretofore made in this Province relating to the Same, made in the first year of Her Ma'tys Reign expir'd by its owne Limittation shall be hereby Enacted by the Authority aforesaid

to be of Force from the publication hereof until the first day of November w'ch will be in the year of our Lord Seventeen hundred and thirteen.

THE FIFTEENTH ASSEMBLY.

First Session.

(Begun May 27, 1713, 12 Anne, Robert Hunter, Governor.)

[CHAPTER 259.]

[Chapter 259, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1715, ed., p. 168. Title only is printed in Baskett, p. 149. The original of this act is not in the office of the Secretary of State. This copy was made from Bradford, 1715 ed. From the Minutes of the Council it appears that an act of this title was signed by the Governor, July 1, 1713. (See Journal of Legislative Council, p. 361.)]

An Act for a Supply to be granted to her Majesty for Supporting the Government.

[Passed, July 1, 1713.]

BE it enacted by his Excellency the Governour, Council and General Assembly, and by the Authority of the same, That there be given and granted to her Majesty, Her Heirs and Successors, for the Support of her Government in the Colony of New-York, for one Year, commencing from the thirteenth Day of June Anno One Thousand Seven Hundred and thirteen, Seven Thousand Ounces of Plate of the Spanish Coyns of Sevill, Pillar and Mexico or the Value thereof in Lyon Dollars or half Dollars, at thirteen Penny weight and eighteen Grains each Dollar, or in Bills of Credit current in this Colony, to be paid to Her Majesties Receiver General, for the Time being, out of the Duties and Impositions herein after-mentioned, to be Collected in manner following, (that is to say)

For every Pipe of Wine, and so in proportion for a greater or lesser Quantity, Imported into this Colony in Bottoms wholly owned by the Inhabitants of this Colony, five Ounces of Plate aforesaid.

For every Pipe of Wine, and so in proportion for a greater or lesser Quantity, Imported in Bottoms not entirely owned by the said Inhabitants, Seven Ounces and a half of Plate aforesaid.

For all European Goods, Imported into this Colony from Boston, Twelve Ounces and a half of like Plate for every hundred Pounds Value prime cost, so Imported, and so proportionably for a greater or smaller quantity. And

For all European Goods, Imported into this Province from any other of Her Majesty's Plantations, Eighteen Ounces and three quarters of Plate aforesaid for every hundred Pounds value prime cost so Imported.

For every Gallon of Rum Imported into this Colony in Vessels wholly owned by the Inhabitants thereof, fifteen Grains of plate aforesaid. And

For every Gallon of Rum, Imported into this Colony in Bottoms not solely owned by the said Inhabitants, twenty five Grains of Plate aforesaid.

And Be it further Enacted by the Authority aforesaid, That for the due and orderly Collecting of the aforesaid Duty on Rum, Wine, and European Goods, the Merchant or Owner of the said Goods shall forth-with, after he or they have made an Entry thereof in the Custom-House, deliver or cause to be Delivered a Copy of such Entry to the Receiver General, who, after having compared the Copy of the aforesaid Entry, delivered to him as aforesaid, which he is hereby required forth-with to do, after the Receipt thereof, the Merchant or Owner of the said Goods, shall pay or secure to be paid to the said Receiver General, within three moneths after the said Entry made, the aforesaid Duty on Rum, Wine and European Goods. And in Case the Merchant or Owner of such Wine, Rum, and European Goods shall neglect or refuse to pay the said Duty, then and in such case it shall and may be lawful for the Receiver General to take and Detain the said Rum, Wine or European Goods, until the Duty by this Act required is and shall be paid and satisfied.

And be it further enacted by the Authority aforesaid, That if the Duties and Customs herein Granted shall not amount to the said Summ of Seven Thousand Ounces of Plate, such Deficiency shall be made good by the Treasurer of this Colony, out of the Excise, or Duties on Tonnage, Slaves, Vendues, or any other publick Money that shall come into his Hand, and paid to Her Majesty's Receiver General of this Colony. And that the said Receiver General, for the time being, shall lay before the Governour, Council or General Assembly for the time being, when required, a true Account upon Oath of the Receipts and Payments of the Duties and Customs hereby laid and imposed.

This Act to be in force until the first Day of July, which shall be in the Year Seventeen hundred and fourteen, and no longer.

[CHAPTER 260.]

[Chapter 260, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1715 ed., p. 169. Title only is printed in Baskett, p. 149. The original of this act is not in the office of the Secretary of State. This copy was made from the Bradford, 1715 ed., p. 169. From the Minutes of the Council it appears that an act of this title was signed by the Governor, July 1, 1713. (See Journal of Legislative Council, p. 361.) See chapter 258. Revived by chapter 296.]

An Act Reviving and Continuing an Act, entituled An Act for the better Settling of the Militia of this Province, and making it more useful for the Security and Defence thereof; and for Repealing all former Acts heretofore made in this Province relating to the same.

[Passed, July 1, 1713.]

BE it enacted by the Governour, Council and Assembly, and it is hereby Enacted by the Authority of the same, That a late Act, entituled, An Act for the better Settling the Militia and making it more Useful for the Security and defence thereof, and for Repealing all former Acts heretofore made in this Province relating to the same, made in the first Year of her present Majesty, shall be and is hereby Enacted by the Authority aforesaid, to be of force for and until the full End and Term of one whole Year, and no longer, to Commence from the last day of October next ensuing.

[CHAPTER 261.]

[Chapter 261, of Livingston & Smith, where the title only is printed. Chapter 261, of Van Schaack, where the act is printed in full. Printed in full in Bradford, 1715 ed., p. 169; Baskett, p. 147. The original of this act is not in the office of the Secretary of State. This copy was made from Bradford, 1715 ed., p. 169. From the Minutes of the Council, it appears that an act of this title was signed by the Governor July 1, 1713. (See Journal of Legislative Council, p. 361. See chapter 172.)]

An Act for Repealing part of a Clause in an Act, entituled, An Act for the more Effectual preservation of Deer and other Game, and the Destruction of Wolves, Wild-Cats and other Vermine.

[Passed, July 1, 1713.]

BE it enacted by the Governour, Council and Assembly and by the Authority of the same, That that part of a Clause relating to

the reward for destroying or killing Squerrils, Crows and their Young ones, Black-birds and their Young ones, mentioned and Expressed in an Act for the more effectual preservation of Deer and other Game, and the destruction of Wolves, Wild-Cats and other Vermine, made in the Seventh Year of Her Majesties Reign, Be and is hereby Repealed, made Null and Void, to all Intents and purposes whatsoever, from and after the publication of this Act.

[CHAPTER 262.]

[Chapter 262, of Livingston & Smith and Van Schaack, where the title only is printed. This act is not printed in Bradford, 1715 ed. Printed in full in Baskett, p. 147. The original of this act is not in the office of the Secretary of State. This copy was made from Baskett, p. 147. From the Minutes of the Council, it appears that an act of this title was signed by the Governor July 1, 1713. (See Journal of Legislative Council. p. 361.)]

An Act to Impower Frederick Phillipse, a Minor, to Remove Kings-Bridge to a more commodious Place, and for Confirming the Toll thereof.

[Passed, July 1, 1713.]

WHEREAS Frederick Phillipse, late of the City of New-York, Esq; deceased, was, in his Life-time, by several Grants and Patents, and Mesn-Conveyances and Assurances in the Law, seized and possessed of divers Tracts and Parcels of Land in the County of Westchester; which by another Grant or Patent under the Broād Seal of this Province, bearing Date the Twelfth Day of June, in the Year of our Lord Christ, One thousand six hundred ninety three, were incorporated into a Lordship or Manor, by the Name and Title of the Manor of Phillipsburgh, within the Bounds and Limits therein mentioned, with Power, Authority, and Privilege, to Erect and Build a Draw-Bridge upon the Ferry, then commonly called Spiten-Divel Ferry, and thenceforward to be called Kings-Bridge, and to receive the Rates and Tolls mentioned in the said Grant: And whereas there have been considerable improvements made in the said Manor, and that the said Bridge has been found of great Utility and Convenience to Travellers; Be it Enacted by the Governor, the Council, and the Assembly, and by the Authority of the same, That the said Grant, and every Clause and Article thereof, shall be and hereby is Ratified and Confirmed unto the Heirs of the said Frederick Phillipse, to be held by them in such manner as the same is Devised by his Last Will and Testament, bearing Date the Twenty sixth Day of October, in the Year of our Lord Christ,

One thousand seven hundred, in such full and ample manner, to all intents, Constructions, and purposes, as if the said Grant and the said Will were herein at large recited.

And whereas by means of Spring-Tides, not only the Causey leading through a Meadow from Manhattans, or York-Island, to the Bridge erected in pursuance of the said Grant, but likewise the Bridge itself is often difficult and unfit for Travellers to pass, notwithstanding the Labour and Cost employed to make the same commodious; Be it Enacted by the Authority aforesaid, That it shall and may be Lawful for Frederick Phillipse a Minor, (unto whom, among other things, the said Bridge, with all the Tolls, Rights, and Privileges thereunto belonging, by the said Last Will and Testament is Devised) and to his Heirs or Guardian, to Erect and Build another good and sufficient Draw-Bridge between the Neck, or Island of Papparinnemo, and York or Manhattans-Island, at such Place or Places to the Westward of the present Bridge, as to him or them shall be thought most proper and convenient, and to joyn and affix the same to or in any Land on York-Island, and to dig away or level any Part or Parts thereof, both to secure the Bridge, and to make the Path or entry thereto commodious and convenient for Travellers. And when another Bridge shall be so Built (which is to retain the Names of Kings-Bridge) it shall and may be Lawful for him and them to pull down the Bridge heretofore Built, as aforesaid.

And to the end the Power and Authority given by the said Grant for receiving the Rates and Tolls therein mentioned, and hereby Ratified, may the better be enforced; Be it further Enacted by the Authority aforesaid, That the several Rates and Tolls for passing and repassing Kings-Bridge, mentioned in the said Grant, shall be paid unto the said Frederick Phillipse, and to his Heirs, or to such person or persons as he or they shall depute, or to such as shall, from time to time, Rent or Farm the same; and that a Table thereof shall be hung or fixed up in the Ferry or Toll-house; which several Tolls being reduced from the Rate at which Money was Current at the time of Passing the said Grant, are hereby ascertained in Troy Weight, and are accordingly to be paid and received in good Mexico or Sevile Plate, after the Rates here under mentioned; That is to say, For every Man and Horse that shall pass the said Bridge in the Day-time, Fifteen Grains; For each head of Neat Cattle that shall pass the same, Fifteen Grains; For each Score of Hogs, Calves, or Sheep, that shall pass the same, Two peny Weight and a half,

and so proportionably for a greater or lesser Number; For every Boat, Vessel, or Canoe, that shall pass the Bridge, and cause the same to be drawn up, One peny Weight and Twenty one Grains; For each Coach, Cart, Waggon, or Sledge that shall pass the same, One peny Weight and twenty one Grains: And after Sun-set, For every Passenger that shall pass the said Bridge, Ten Grains; For each Score of Hogs, Calves, or Sheep, Five peny Weight; For each Head of Neat Cattle, One peny Weight and Six Grains; For each Score of Hogs, Calves, or Sheep, Five peny Weight; For each Boat, Vessel, or Canoe, Three peny Weight and Eighteen Grains; For each Coach, Cart, Waggon, or Sledge, Three peny Weight and Eighteen Grains.

And for as much as some evil disposed Persons have sometimes refused to pay the said Toll, and others gone or rid away without paying the same, notwithstanding it is so moderate and reasonable; Be it Enacted by the Authority aforesaid, That if any Person or Persons shall hereafter go from the Ferry or Toll-house before he, she, or they pay or satisfie the Toll due by virtue hereof, such person or Persons so endeavoring to defraud the said Payment, shall pay Treble the Toll to which he, she, or they were liable, and Double Damages and Charges in obtaining the same, to be Recovered upon the Oath of One Person before any Justice of the Peace within this Colony, who is hereby Impowered and Required to give Judgement accordingly, and to commit the Offender, until he, she, or they pay or satisfie the same.

Provided nevertheless, That (in pursuance of a Reservation in the Grant before mentioned) Her Majesty, Her Heirs and Successors, shall have free Egress and Regress of all Her and their Forces, Horse and Foot, Coaches, Waggons, Stores of War, Ammunition, and Expresses, that shall, from time to time pass the said Bridge for Her or their Service; any thing contained in this Act to the contrary hereof on any wise notwithstanding.

And to prevent Disputes about Repairing High-ways, so far as it relate to Kings-Bridge, Be it Enacted by the Authority aforesaid, That the said Bridge, from the time it shall so Built, as aforesaid, shall be kept and maintained in good Repair by the Owners thereof; and likewise, that half of the Causey between the main Land and the said Neck, or Island of Papparinnemo, which adjoyns next unto the said Neck, in like manner as has been heretofore used and Practised; and that he or his Heirs, shall not be obliged to repair or maintain any more of the High-ways at his or their proper Cost and Charge.

THE FIFTEENTH ASSEMBLY.

Second Session.

(Begun Oct. 15, 1713, 12 Anne, Robert Hunter, Governor.)

[CHAPTER 263.]

[Chapter 263, of Livingston & Smith and Van Schaack, where the act is printed in full. Printed in full in Bradford, 1715, ed., p. 179; Baskett, p. 152. The original of this act is not in the office of the Secretary of State. This copy was made from Bradford, 1715 ed., p. 179. From the Minutes of the Council, it appears that an act of this title was signed by the Governor, October 15, 1713. Livingston & Smith and Van Schaack and Baskett, state that the act was confirmed, June 17, 1715. See order in Council confirming, in Doc. Rel. to Col. His. of N. Y., Vol. V., p. 412.) Continued by chapters 264, 676, 933, 1325.]

An Act for laying an Excise on all Strong Liquors Retailed in this Colony.

[Passed, October 15, 1713.]

BE it Enacted by the Governour, Council and General Assembly, and by the authority of the same, That there shall be given and granted unto Her Majesty, her Heirs and Successors, from the first day of November, which shall be in the Year of our Lord 1714. until the first day of November, which shall be in the Year of our Lord 1734. for the uses herein after mentioned, an Excise upon all strong Liquors Retailed throughout this Colony, under the Quantity of five Gallons (Beer and Syder only excepted) to wit, the eighth part of an Ounce of Sevil, Pillar or Mexico Plate, for each Gallon so Retailed; and likewise three quarters of an Ounce of the said Plate for every Barrel of Beer and Syder.

And be it further Enacted by the Authority aforesaid, That the Mayor and Aldermen of the City of New-York, the Mayor, Aldermen and Justices of the Peace of the City and County of Albany, and the Justices of the Peace of the other Counties, within this Colony, to which they belong, or the Major part of them, for the time being, are hereby required, Authorized and Impowered to let to Farm the aforesaid Excise in their respective Cities and Counties, by publick Out-Cry, Auction or Vendue, yearly and every year on the first Tuesday in October, or some other day in that week in which the said first Tuesday shall happen, to the highest bidder, or to the several Retailers of such Liquors, in each respective City, Town, Burrough, Mannor or Precinct, as the said Mayors, Aldermen and Justices of the Peace

respectively, in their discretions shall think fit for the better advancement of the Duty and Excise hereby to be granted and levyed, publick Notice being first given of the time such farming is appointed to be made by affixing Advertisements thereof, in the most publick places in each respective City, Town, Mannor and Precinct, Ten days at least before such Auction or Vendue is made.

And the said Mayors, Aldermen and Justices of the Peace as aforesaid, are hereby required to take good Security's by Recognizances, with Sufficient Sureties, of all and every person or persons that shall Farm the Excise, as aforesaid, with Condition, that they pay the same quarterly, by equal and even payments, into the hands of the Treasurer of this Colony for the time being, who is hereby appointed to receive the same; And also after two months after the same Excise or any part thereof, shall be let to farm, or agreed for, to transmit to the Treasurer a true Account of the same respectively, with the Recognizances for the due payment thereof, according to the intent of this Act.

And be it further Enacted by the Authority aforesaid, That if any or either of the said Mayors, Aldermen or Justices of the Peace, as aforesaid, shall neglect, deny or refuse to let to Farm the aforesaid Excise, in manner aforesaid, or to put this Act in Execution, so far as they are required and impowered, according to the true intent and meaning hereof, that then, he or they so offending shall each of them respectively forfeit unto her Majesty, her Heirs and Successors, the Sum of Fifty Pounds current Money of New-York, to be recovered in any of her Majesties Courts within this Colony, by any person or persons, who will and shall inform and sue for the same, by Action of Debt or Information, the one half of which Forfeitures to be to her Majesty, her Heirs and Successors, to be paid in to the Treasurer, and applyed towards the Support of the Government, and the other half to the Informer.

And be it further Enacted by the Authority aforesaid, That where there shall be no Farmer of the Excise in manner before expressed, the Mayors, Aldermen and Justices of the Peace of the several Cities and Counties respectively, shall and may either agree with the Retailers, whom they respectively shall License, at least for the highest of such Sum or Sums by the Year, as such Retailer or Retailers at any time formerly had or have paid, to be paid into the Treasurer Quarterly, as aforesaid, or otherwise to make such Retailer or Retailers enter into Recognizance,

with sufficient Sureties, for the true and due payment of the Excise herein before appointed, to be paid and granted according to the true meaning hereof.

And for the due and orderly Collecting the Excise hereby Given and Granted, Be it further Enacted by the authority aforesaid, That all Retailers of strong Liquors within this Colony, shall upon all their Receipts of all such Liquors before expressed, and Exciseable, come to the Farmer of the Excise (if any be) or to the Mayor, Aldermen or Justices of the Peace respectively, and on default thereof, all such Liquors as shall be found in any Retailers House or Ware-house, Celler or other place belonging unto him, her or them, within this Colony, and have not been duly entered and paid the Duties of Excise, as aforesaid, then and in such Case upon Conviction by Oath of one or more Credible Witnesses, before any Justice of the Peace within this Colony, the said Retailer or Retailers so Offending in the Premises, shall forfeit all such Liquors, and three times the value thereof, the one Moiety to her Majesty, her Heirs and Successors, to be paid to the Treasurer of this Colony, for the time being, for and to be applyed towards the Support of this Government, and the other half to the person that will sue for the same, before any Justice of the Peace in this Colony, who is and every of them are hereby required and Impowered summarily, and at his discretion solely to hear and determine the same, and to Issue his Warrant for sezing all such Liquors to be forfeited, as aforesaid, and for committing to the Common Goal all such Retailers of Liquors, who have not entered and paid the Duties aforesaid, and shall be so convicted thereof, there to remain without Bail or Mainprize, until they shall satisfy and make Payment of three times the value of such Liquors seized and forfeited, as aforesaid, as also for arresting and causing to be brought before him any Person or Persons informed against for Retailing without Lisence, provided he, her or they have Liberty to appeal to the next Sessions of the Peace, giving sufficient Security to answer the same.

And be it further Enacted by the authority aforesaid, That if any person or persons within this Colony, not duly Lisenced, shall either by Land or by Water, at any time presume to sell by retail any Strong Liquors, that is to say, any Quantity under five Gallons, as aforesaid, the person or persons so offending shall pay the Sum of Five Pounds current Money aforesaid, for every such offence, being thereof convicted in manner aforesaid, to be applyed and paid as aforesaid.

And be it further Enacted by the Authority aforesaid, That no Retailer of strong Liquors within this Colony, shall sell any strong Liquors to any Negro or Indian Slave, under the Penalty of Forty Shillings for every such Offence, to be recovered before any one of her Majestys Justices of the Peace, by him or her that shall sue for the same, and to be applyed as aforesaid.

And be it further Enacted by the authority aforesaid, That no Person or Persons enabled to sue for any Penalty, by virtue of this Act, shall compound, remit or make any abatement of or for any of the Penalties herein mentioned, but that the same may be prosecuted to effect, and paid and applyed as herein before expressed.

And be it also Enacted by the authority aforesaid, That Lyon Dollars and half Dollars shall be received and be of equal Value to Thirteen Penny weight and eighteen Grains of Sevil, Pillar and Mexico Plate, as aforesaid, for each Dollar, for the Duty hereby intended to be raised.

And be it further Enacted by the same Authority, That the Mayor and Aldermen of the Burrough-Town of Westchester, are hereby impowered and required to let to Farm the Excise of the Burrough-Town in the same manner, and under the same Regulations as the Mayor and Aldermen of the City of New-York, or the Mayor and Aldermen of the City of Albany are by this Act impowered, directed and required to do.

And be it further Enacted by the authority aforesaid, That all and singular the Moneys arising by virtue of this Act, during the whole time aforesaid, shall be applyed to and for the Paying and Discharging the Publick Debts of this Colony, such, and in such manner as shall be directed and ascertained in an Act of General Assembly for that purpose hereafter to be made. And if it shall so happen that the said Excise shall amount to more than will pay and discharge the publick Debts of this Colony aforesaid, that then and in such case, the Sum that remains over and above, in the hands of the Treasurer aforesaid, after such Publick Debts shall be fully paid and Discharged, shall be applyed to the Use of this Colony, in such manner and to such Purposes as the Governour, Council and General Assembly, for the time being, shall direct, and not otherwise.

[CHAPTER 264.]

[Chapter 264, of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Bradford, 1715 ed., p. 182; Baskett, p. 149. The original of this act is not in the office of the Secretary of State. From the Minutes of the Council, it appears that an act of this title was signed by the Governor, October 23, 1713. (See Journal of Legislative Council, p. 366.) See chapters 263, 272.]

An Act for continuing an Act, entitled, An Act for laying an Excise on all Strong Liquors retailed in this Colony.

[Passed, October 23, 1713.]

[CHAPTER 265.]

[Chapter 265, of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Bradford, 1715 ed., p. 182; Baskett, p. 150. The original of this act is not in the office of the Secretary of State. From the Minutes of the Council, it appears that an act of this title was signed by the Governor, October 23, 1713. (See Journals of Legislative Council, p. 366.)]

An Act for the Treasurer's paying sundry Sums of Money to several Persons hereafter named.

[Passed, October 23, 1713.]

[CHAPTER 266.]

[Chapter 266, of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Bradford, 1715 ed., p. 182; Baskett, p. 157. The original of this act is not in the office of the Secretary of State. From the Minutes of the Council, it appears that this act was signed by the Governor, October 23, 1713. (See Journals of Legislative Council, p. 366.)]

An Act for the Treasurer's paying the Sum of One Hundred and Twenty five Ounces of Plate, unto Peter van Brugh and Hendrick Hansen, Esqrs. Commissioners at Albany.

[Passed, October 23, 1713.]

[CHAPTER 267.]

[Chapter 267, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1715 ed., p. 170. Title only is printed in Baskett, p. 157. The original of this act is not in the office of the Secretary of State. This copy was made from Bradford, 1715 ed., p. 170. From the Minutes of the Council it appears that an act of this title was signed by the Governor, October 23, 1713. (See Journal of Legislative Council, p. 366.) Provided for by chapter 294.]

An Act for laying a Duty on Goods sold by Auction, Vendue or Out-Cry.

[Passed, October 23, 1713.]

BE it Enacted by the Governour, Council and General Assembly of the Colony of New-York, and by the Authority of the same,

That there be given and granted to her Majesty, her Heirs and Successors, for every hundred Pounds, current Money of New-York, of Goods, Merchandize, Houses, Lands, Ships, Sloops or Vessels, Slaves, and other Things whatsoever, that shall be sold within this Colony at publick Auction, Vendue or Out-Cry, (the Excise, Goods and Effects of all deceased Persons, exposed to Sale by Executors or Administrators, or Goods taken in Execution, only excepted) The Sum or Quantity of Ten Ounces of Plate, from the Publication of this Act, during the space of one whole year.

And be it further enacted by the Authority aforesaid, That for the better securing the payment of the Duties on all Goods sold at Auction or Vendue, the Vendue-Master, or whatsoever other person or persons shall expose any of the aforesaid Goods, Merchandize, Houses, Lands, Ships, Sloops, Slaves, and other thing whatsoever, (except what is before excepted) at publick Auction or Out-Cry, shall, at the expiration of every three Months, give an exact and true account to the Treasurer of this Colony for the time being, upon oath, which oath the Treasurer of this Colony is hereby impowered to administer, of all Goods, and other things above-mentioned, by him or them sold by Auction, Vendue or Out-Cry, and pay, or cause to be paid to the said Treasurer of this Colony, for every Hundred Pounds value sold, as aforesaid, the Sum of Ten Ounces of Plate, to be applyed to such use or uses as the Governour, Council and General Assembly shall think fit.

And be it further Enacted by the Authority aforesaid, That every Vendue-Master within this Colony, or such other person or persons as shall sell any of the Goods and Effects by this Act liable to pay the Duty, as aforesaid, in publick Vendue, shall, in a Book for that purpose, keep an exact account of all such Goods and Effects as be by him or them sold by publick Vendue, Out-Cry or Auction; and for his trouble and pains for keeping the said Books, rendring the Accounts, and paying in of the Money by him, them, and each of them to the Treasurer of this Colony, shall retain in his hands the Sum of Three per Cent. of whatever he or they shall pay unto the Treasurer of this Colony, for the time being.

And be it further Enacted by the same Authority, That if the Vendue-Master or whatsoever person or persons that shall expose any Goods, Merchandize, or other Effects whatsoever (except as above excepted) at publick Auction, Vendue or Out-cry, shall

neglect, deny or refuse to give an exact account, and pay in the Money for all such Goods and other Effects sold by him or them, as aforesaid, at the expiration of every three Months, to the Treasurer of this Colony, every such Vendue-Master, or other person so offending, shall Forfeit, for every such offense, double the Duty imposed by this Act, if the same can be discovered, or, for want thereof, the Sum of Fifty Pounds current Money of this Colony, to be recovered by the Treasurer of this Colony, for the time being, by action of Debt in any Court of Record within this Colony, to be applyed to such use as the Governour, Council and General Assembly shall think fit.

And be it further Enacted, That if the said Treasurer shall neglect to Sue the Vendue-Master, or other person offending, as above-expressed, he shall forfeit for every such neglect the sum of Sixty Pounds, and be accountable to the Governour, Council and General Assembly for so much.

And be it further Enacted by the same Authority, That the Vendue-Master, or other person, selling Goods or Other Effects by way of Auction, Vendue or Out-cry, shall, within one Week, after the Publication of this Act, enter into Recognizance to her Majesty, her Heirs and Successors, in Two Hundred and Fifty Pounds, with sufficient Sureties, to be approved of by the Speaker of the General Assembly, for the time being, to pay the Duty imposed by this Act, and to fullfil and comply with every Article and Clause therein relating to the said Vendue-Master, or other person exposing Goods to sale by publick Vendue or Out-cry. And if any Vendue-Master within this Colony shall neglect, deny or refuse to give the Security of him and them required by this Act, every such Vendue-Master so neglecting, denying or refusing to give such Security, as aforesaid, is hereby declared incapable of executing that Office, until such time as he or they shall give the Security as by this Act is required.

[CHAPTER 268.]

[Chapter 268, of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed n Bradford, 1713 ed., p. 182; Basket, p. 157. The original of this act is not in the office of the Secretary of State. From the Minutes of the Council it appears that an act of this title was signed by the Governor, October 23, 1713. (See Journal of Legislative Council, p. 367.)]

An Act to oblige the County of Ulster, to satisfy what that County is in arrear to Col. Jacob Rutsen, and Adrian Gerritse, Esqrs.

[Passed, October 23, 1713.]

[CHAPTER 269.]

[Chapter 269, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1713 ed., p. 171; Baskett, p. 150. The original of this act is not in the office of the Secretary of State. This copy was made from Bradford, 1715 ed., p. 171. From the Minutes of the Council it appears that an act of this title was signed by the Governor, October 23, 1713. (See Journal of Legislative Council, p. 367.) Expired in 1720. Revived by chapter 390.]

An Act for Mending and keeping in Repair the Post-Road from New-York to Kings-Bridge.

[Passed, October 23, 1713.]

WHEREAS the High-ways and Post-Road through Manhattens Island, leading from the City of New York to Kings-Bridge, and other the High-ways within the said City and County, are become very Ruinous, and almost impassible, very dangerous to all Persons that pass those Ways, occasioned chiefly by reason of divers Disputes hapening and arising among the Inhabitants of the said hereafter kept in good Repair, Be it Enacted by the Governour, City and County, touching the Repairing and Amending the same. For the ending of which Disputes, and to the intent the same Council and Assembly, and by the Authority of the same, That so much of the said general High-ways and Roads, so far as the Fresh-water only, shall be Repaired and amended by the Inhabitants of all the several Wards within the said City (except the Out-Ward) in respect to the great Charge and Expence the said several Wards are at in the Paving, Cleansing and Repairing the several Streets, Lanes and Allyes within the same; and that all that part of the said High-ways and Roads from the said Fresh-Water to the Saw-Kill, shall be repaired, amended, and from time to time hereafter kept in good Repair by the Inhabitants of the Bowery Division of the said City, living within the same Limits. And that part of the said High-ways, and Roads from the said Saw Kill, together with the Saw Kill Bridge, to the Limits of Harlem Patent, shall be, from time to time, made, repaired and amended by the several Wards within the said City, That is to say, by an equal number of Work-men of the five Wards on the South-side of the Fresh Water, and an equal number of Work-men of the Out-Ward of the Bowry and Harlem Division. And all the remaining part of the said High-ways and Roads of the said Island Manhaten, from the Limits of Harlem Patent, to the Cawse-way of Kings-Bridge, shall be, from time to time hereafter, cleared, repaired and amended by the Inhabitants

of Harlem Division, as hath been formerly done. And that the said Post-Road and High-way shall be laid out the breadth of Four Rod, and cleared the breadth of Two Rod at least.

And for the better clearing, maintaining and repairing all and every the common High-ways, Cause-ways and Bridges within the City and County aforesaid, Be it further Enacted by the Authority aforesaid, That the Mayor, Aldermen and Justices of the Peace of the said City and County at their General Quarter-Sessions, held for the said City and County, in the Month of February, next after the passing this Act, shall and may then, and so from time to time in every year, nominate and appoint Three sufficient and able Persons inhabiting within the City and County aforesaid, to be the Surveyors of the several High-ways, Bridges and Cause-ways aforesaid, for the year from thence next ensuing. And that the said Justices shall cause notice to be given to the said Surveyors, so chosen, in writing, of their said Choice. And in case of Death or Refusal, any two or more of the said Justices of the Peace for the said City and County (whereof one to be of the Quorum) under thir hands and seals, to appoint, from time to time, others in their places; Which said Surveyors, and every of them, having no lawful Impediment, to be allowed by the said Justices, by whom they shall be chosen, in manner aforesaid, or any two of them (whereof one to be of the Quorum) within three Weeks next after such Notice to him or them given, shall, and are hereby required to view and survey the said several High-ways, Bridges and Cause-ways within the City and County aforesaid, and consider the Defect thereof, and the best method and means that can be used for the clearing, levelling, repairing and making good the same, and make their Certificates thereof in writing, under their hands, or the hands of any two of them, to the Justices of the Peace of the said City and County, at their next General Quarter-Sessions held for the said City and County, or sooner, as the case may require, at a special Sessions to be held for that purpose, by three of the said Justices of the Peace (whereof one to be of the Quorum) which said Justices are hereby authorized and impowered to hold accordingly, who thereupon shall and may make such Order and Orders in and about the same, as to them shall seem good; Which said Order or Orders so to be made, shall be by the said Surveyors, and all other Persons concerned in putting this Act in execution, duly observed and performed. And the said Surveyors are hereby impowered

and authorized to summons and give notice to such and so many of the Inhabitants of the Wards aforesaid, as they the said Surveyors shall think fit, at such times, places and seasons (as they the said Justices of the Peace, in manner aforesaid, shall order and appoint) and for so long time as the said Surveyors shall appoint, to meet and convene with Carts and Carriages, Shovels, Spades, Pick-axes, Mattocks, and other Tools and Instruments, as by the said Surveyors shall be thought necessary for the said Work, for the amending, clearing, repairing and making good the several High-ways, Roads, Bridges and Causeways within the several Districts and Limits herein before set forth. And all and every such Person and Persons summoned or having Notice, as aforesaid, either themselves, or a sufficient working hand for them, shall meet within their several Limits aforesaid, at the said time and place so appointed, and obey and perform such Orders and Directions as the said Surveyors (by order of the said Justices of the Peace, in manner aforesaid) shall direct and appoint. And in case any Person summoned shall not by themselves, or another sufficient Person in his place, appear, as aforesaid, every such Defaulter shall Forfeit Six Shillings current Money of this Province, for each Days absence, To be levyed (by Warrant from any one of the Justices of the Peace aforesaid, who is hereby authorized to grant such Warrant, directed to the Constable of such Ward or District where such Default is made) by Distress and Sale of the Offenders Goods and Chattles, at a publick Out-cry, and after payment of the said Distress and Charges, the Over-plus (if any) to be returned to the Owner. And every Team, with Cart and Waggon, and a Man to mannage the same, which the said Surveyors shall have occasion to use, shall be esteemed in the place of three Days Labour of one Work-man, upon pain of every Day making Default, Eighteen Shillings, like Money, to be levyed on the Goods and Chattels of the owner thereof, in manner and form aforesaid. Which said Forfeitures shall be paid to the Surveyors, to be by them disposed of in Repairing the High-ways aforesaid. Provided Nevertheless, That the Surveyors aforesaid shall imploy the respective Inhabitants within the several Wards and Districts aforesaid, justly and equally every year; and that no Person be compellable to work above eight Days in the year, nor at any time in Seed-time, Hay or Corn-Harvest.

And be it further Enacted by the Authority aforesaid, That every Surveyor (who shall be so chosen and appointed in manner

aforesaid) who shall refuse or neglect to do and perform the Duties and Services required by him or them in and by this Act, shall Forfeit Five Pounds current Money aforesaid, to be Recovered by Action of Debt, Bill, Plaint or Information in any Court of Record held within the City and County aforesaid, with Costs, one Third of which Forfeiture shall go to the Informer who shall prosecute the same to effect, and the other Two Thirds to be imployed by the direction of any two of the Justices of the Peace aforesaid, whereof one to be of the Quorum, in the Repairing and making good the High-ways aforesaid.

And be it further Enacted by the Authority aforesaid, That in case any Difference or Dispute shall arise between any of the Inhabitants of the respective Wards and Districts aforesaid, or any of them, or between them and the said Surveyors, so to be chosen as aforesaid, of or concerning the Repairing or Amending the High-ways aforesaid, the same shall be settled and determined by any three of the Justices of the Peace aforesaid, (whereof one to be of the Quorum) or by the Justices at their General Quarter-Sessions, whose Order and Determination therein, made in Writing under their Hands, shall be Conclusive to all Parties.

And be it Enacted by the Authority aforesaid, That every Justice of the Peace within the said City and County, that shall not put the several Fines and Forfeitures imposed by this Act, in Execution, shall Forfeit severally the Sum of Five Pounds current Money of New-York, to be levyed, paid and applyed in such manner and form as the other Fines and Forfeitures in this Act are directed. This Act to be in Force until the first Day of June, One Thousand seven hundred and Twenty, and no longer.

[CHAPTER 270.]

[Chapter 270, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1715 ed., p. 175; Baskett, p. 155. The original of this act is not in the office of the Secretary of State. This copy was made from Bradford, 1715 ed., p. 175. From the Minutes of the Council, it appears that an act of this title was signed by the Governor, October 23, 1713. (See Journal of Legislative Council, p. 367.) A provision in this act was repealed by chapter 372. The act is continued by chapter 386.]

An Act for the further laying out, Regulating and better Clearing Publick High-ways through-out this Colony.

[Passed, October 23, 1713.]

For the better attaining the End designed by an Act, entituled, 'An Act for the laying out, regulating, clearing and preserving

publick common Highways thro'-out this Colony, made in the second year of the Reign of her present Majesty, Be it Enacted by the Governour, Council and General Assembly, and by the Authority of the same, That the Persons herein after named shall be and are hereby appointed Commissioners, and impowered, authorized and required to put the Services, intended by the said Act, in execution, through the respective Counties and Precincts for which they shall be named (that is to say,

For the County of Suffolk, Capt. Benjamin Young, Mr. John Cooper, and Capt. Joseph Wickham.

For Queens-County, Mr. Thomas Stephenson, Coll. John Jackson, and Mr. James Clements.

For Kings-County, Mr. Benjamin van de Water, Mr. Joost van Brunt and Mr. Ryck Hendricksen.

For the County of Westchester, Adolph Phillipse, Esq; Caleb Heathcote, Esq; Mr. Joseph Drake, Mr. John Stephenson and Mr. John Haith.

For the County of Ulster, Capt. Egbert Shoemaker, Mr. Adrian Gerretsen, and Mr. Joseph Haasbroek.

For Dutches County, Mr. Barent van Cleek, Mr. Jacob Vosbrugh, and Mr. Johannes Busch.

For the City and County of Albany, Coll. Kilian van Ranslaer, Capt. Peter van Brugh, Major Myndert Schuyler, Capt. John Bronck, and Capt. Johannes Sanderse Glen.

For the County of Orange, Mr. Peter Heringh, Mr. Albert Mennen, and Mr. Isaac Blauvelt.

And be it Enacted by the Authority aforesaid, That the said Commissioners or the Major part of them respectively, for the respective Cities, Counties and Precincts for which they are nominated Commissioners, are hereby impowered and authorized to take a Re-view of the Roads already laid out, and if they find any Inconvenience in said Roads, they, or any two of them have power to alter the same, and lay out the High-ways or publick Roads as they shall think most convenient for Travellers, as well as the several Towns, Villages or Neighbourhoods next adjacent.

Provided always, That nothing in this Act contained shall extend or be construed to impower the Commissioners aforesaid to alter any Road that is already Commodious, so as to lay it out through any Improved or inclosed Lands, without the consent of the Owners thereof; and if any Dispute shall arise by that means, the same shall be determined by any two Justices of the Peace,

and six of the principal Free-holders of the Neighbourhood, not having any Interest in the Land about which such Dispute may arise.

And be it further Enacted by the Authority aforesaid, That if any person or persons within this Colony have, do or shall hereafter, without the consent of the Commissioners appointed by this Act, alter, stop up, turn aside or lessen any Highway or Road that has heretofore been laid out, or shall hereafter be laid out by the said Commissioners appointed by Act of General Assembly to lay out the same, shall Forfeit the Sum of Five Pounds, to be applyed by the Surveyors of each respective Town towards repairing the High-ways, to be recovered by Warrant from the Surveyors of each respective Town, or the major part of them, directed to the Constable of the Town to levy the said Distress, and within six days (after publick Notice given) shall make Sale of the same, pay the Penalty and Charges, and return the Over-plus, if any be, to the Owner or Owners.

And be it further Enacted by the Authority aforesaid, That if any common publick Road or High-way shall lead through any Meadow Grounds or Corn-fields, the Dimension of the breadth of the said Road shall be, and is hereby left to the Discretion of the said Commissioners of each respective County and Precinct, as aforesaid.

And be it further Enacted by the same authority, That the Inhabitants of the Towns, Mannors and Precincts, by and through which Lands any common publick Roads or High-ways have or shall run, or be hereafter ascertained or laid out, are hereby obliged to clear and maintain the same, by cutting and stubbing the Brush up, pulling up the Stones that can be carried off, the breadth of a Rod, and the Limbs of Trees hanging over the said Roads to be lopt and carried off; and so often as they or any of them shall have Notice from the Commissioners, Surveyors or Over-Seers of the High-ways, for the time being, through-out this Colony respectively, by themselves or Servants shall clear, level and amend the Highways, not exceeding six Days in the year, under the Penalty of Three Shillings for each Day every Person shall neglect or refuse such Service, to be levyed by the Constable in each Town or Precinct, by Distress and Sale of the Offenders Goods and Chattels, by Warrant from the Commissioners, Surveyors or Over-seers of the High-ways, for the time

being, in every County, Town, Mannor or Precinct, or the major part of them respectively, returning the Over-plus of such Sale to the Owner or Owners.

Provided always, and be it further Enacted by the said authority, That all Trees that stand in any Mans Land through which any common publick Road or Highway is or shall be laid out, be for the proper use of the Owner or Owners of the same, but shall not hinder the Publick of making use of so much Timber as will amend and repair the said High-ways running through that Land.

And be it further Enacted by the said authority, That if the Commissioners for the County of Orange and Dutches County see cause to have any Roads laid out for a Waggon Road, the Inhabitants of said Counties shall be hereby obliged to clear the same.

And be it also Enacted by the same authority, That where any High-way from any Town or Plantation, to any Meadows, Mills, Watering or common Landing-places, shall run through any particular Persons Grounds, it shall and may be lawful for any such Person or Persons, by the approbation of the Commissioners of such Town, Mannor or Precinct, to place and hang good Swinging-Gates on such High-ways and keep them in repair at their own proper Costs. Provided, No Roads leading in or out of any Woods, Plains or Commons, where the Cattle belonging to any Town or Village usually pass to and from the Commons or Feeding-Ground, be clog'd or hindered by any Swinging-Gates, as aforesaid, but by the consent of the Inhabitants of the said Town or Village. And the several Gates already standing and allowed, may or shall be approved and continued, or altered, as the Commissioners herein appointed shall judge most convenient; and the same High-ways shall be amended and maintained by the Inhabitants of every Town, Mannor or Precinct where such Ways may Run.

And be it further Enacted by the Authority aforesaid, That if the Over-seers of the Roads and High-ways shall think fit and have occasion of any Team, Cart or Waggon, and a Man to manage the same, the said Team, Cart or Waggon, shall be esteem'd to be for three Days Work of a single Man, and the Fine proportionably to be Tripple. And every Working Man shall be obliged to bring such Materials of Spades, Axes, Crows, Pick-axes, and other Utensils, as shall be directed by the Over-seers of the Highways.

And be it Enacted by the said authority, That in case any person or persons shall stake or shore open any such Gate or Gates, as aforesaid, or otherwise ride over and through any Lands, Meadow-Grounds or Corn-fields, to the Damage of the Owner or Owners thereof, shall for every such Offence forfeit Six Shillings, to be applyed by the Surveyors of each respective Town towards repairing the publick High-ways or Roads, and pay all Damages, with the Costs, the Owner of the Soil or Tenant, shall suffer or sustain thereby, as any of her Majesties Justices of the Peace of the Town, County or Precinct, wherein such Offence shall be committed, shall determine, whose Determination shall be a final Judgment.

And be it also Enacted by the same authority, That if any of the Commissioners appointed as aforesaid, shall neglect, refuse or delay to put the several Clauses expressed in this Act, in Execution, as aforesaid, and required, it shall and may be lawful for the Justices of the Peace, or any two of them in such County or Counties, wherein such Refusal or Neglect shall so happen, as aforesaid, to appoint another Commissioner or Commissioners in the room of those who have refused or neglected the Services, as aforesaid.

And be it further Enacted by the authority aforesaid, That the Commissioners appointed or to be appointed by virtue of this Act, shall have, take and receive Six Shillings per Day as a Reward for their care and pains in laying out and regulating the High-ways thro'out this Colony, in the same way and manner as is appointed and provided in an Act, entituled, An act for laying out, regulating, clearing and preserving publick common High-ways throughout this Colony, made in the second year of her Majesty's Reign.

And be it further Enacted by the same authority, That the High-ways in the County of Albany, shall, from time to time, be made and kept in repair by the Inhabitants of said County, as the Commissioners appointed by this Act shall order and direct, any thing contained in this Act to the contrary notwithstanding.

And be it further Enacted by the authority aforesaid, That for the County of Richmond the Surveyors of the High-ways, which are annually chosen in each Division by the Inhabitants of said County, shall have the same power and authority for laying out and regulating the High-ways within the several Divisions in said County of Richmond, and shall be liable to the same Pains,

Penalties and Forfeitures as any other the Commissioners appointed by this Act.

Provided, That this Act shall continue in Force for Seven Years from the Publication hereof, and no longer.

[CHAPTER 271.]

[Chapter 271, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1715 ed., p. 178. Title only is printed in Baskett, p. 150. The original of this act is not in the office of the Secretary of State. This copy was made from Bradford, 1715 ed., p. 178. From the Minutes of the Council, it appears that this act was signed by the Governor, October 23, 1713. (See Journal of Legislative Council, p. 367.)]

An Act for Dutches County to Elect a Supervizor, a Treasurer, assessors and Collectors.

[Passed, October 23, 1713.]

BE it Enacted by the Governour, Council and Assembly, and by the Authority of the same, That the Justices of the Peace in Dutches County, or any two of them, shall, and are hereby required to issue their Warrants to the Constables of the said County, to give warning to the Free-holders and Inhabitants in the respective Precincts thereof, to assemble and meet at the most convenient place, as the said Justices, or any two of them shall appoint, at any time before the first Tuesday in September next, there to make choice of one Free-holder, to be Supervizor, one Treasurer, two Assessors and two Collectors, in the said County, who shall have the same power, Authority, Office and Function, and do, perform, execute and serve, and be liable to the same Pains and Penalties as the Supervizors, Treasurers, Assessors and Collectors of the several and respective Counties within this Colony have, ought or are intended to have, do, perform and be liable to, by one Certain Act of General Assembly, passed in the year of our Lord 1703. entituled, An Act for the better explaining and more effectual putting in execution an act of general assembly, made in the 3d year of the late K. William and Q. Mary, entituled, an act for defraying the publick and necessary Charge thro'-out this Province, and maintaing the Poor, and preventing Vagabonds, until the first Tuesday in April next ensuing, and then one Supervizor, one Treasurer, and so many Assessors and Collectors to be chosen and elected annually, according to the direction of the said Act, who shall be liable to such Pains and Penalties as in the said Act is expressed.

[CHAPTER 272.]

[Chapter 272, of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Bradford, 1715 ed., p. 182; Baskett, p. 149. The original of this act is not in the office of the Secretary of State. From the Minutes of the Council, it appears that an act of this title was signed by the Governor, October 31, 1713. (See Journal of Legislative Council, p. 367.) See chapter 264.]

An Act to take away Doubts and Scruples relating to the Letting of the Excise.

[Passed, October 31, 1713.]

THE FIFTEENTH ASSEMBLY.

Third Session.

(Begun Mch. 24, 1714, 13 Anne, Robert Hunter, Governor.)

[CHAPTER 273.]

[Chapter 273, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1715 ed., p. 183. Title only is printed in Baskett, p. 159. Expired, June 1, 1716. See chapter 324.]

An Act for Levying and paying the Several Duties therein Mentioned for the Use of this Colony.

[Passed, June 21, 1714.]

Be it Enacted by his Excellency the Governour, by and with the Advice and consent of the Council, and General Assembly, and by the Authority of the Same, That there be given and granted to Her Majesty, Her Heirs and Successors, the Duty and Imposition on the Tonnage of Vessels Trading in this Colony, and on Negroes and other Slaves Imported into this Plantation, hereafter expressed, That is to Say, Seven penny weight and a half in good Coyned Plate, or Bills of Credit made Current in this Colony, to the value thereof, P. Ton, for every Ton, according to the Tonnage of the Ship or Vessel (Coasting Sloops belonging to the Massachusets, Rhode Island, Conneticut and the Jerseys, whilest their Navigation is to and from those parts, Ships and Vessels directly from Great Britain, Ships and other Vessels built in this Colony, or wholly owned by the Inhabitants thereof, only Excepted,) To be paid by the Master or Commander

within Six Days after the Arrival of his Ship or Vessel, upon Penalty of Forfeiture of Two Ounces of Plate, as aforesaid, P. Ton, to be Recovered in any of her Majesties Courts, by the Oath of one Credible Witness, that they have not paid, or Refuse to pay the Same, two Thirds of the Said Forfeiture to be paid in to the Treasury of this Colony, and the other Third thereof to him that will Sue for the Same.

And be it further Enacted by the Authority aforesaid That all Ships and Vessels of One deck, lyable to pay the Said Duty, Shall be Reported on Oath, or Guaged by the Length of the Keel on the Outside, and the Breadth of said Vessel from outside to out-side, by the Midship Beam, and the Depth of the Hould from the Ceiling to the underpart of the Deck-Plank; And for a Two Deck Ship or Vessel, the Depth of her Hould and half the Heighth between Decks to be added to the Depth of the Hould, and the Length and Breadth as hereinbefore mentioned; The Length of every Ship and Vessel to be Multiplyed by the Breadth, and the Product thereof by the Depth, the whole to be Divided by Ninety Five, and the Quotient of Such Division Shall be the Contents of the Tonnage of every Ship and Vessel measured, as aforesaid, according to the said Method and Rule all Vessels shall be Measured, and the Duty Computed and paid accordingly by the Master or Owner.

And be it further Enacted by the Authority aforesaid, That the Officer appointed for Collecting the Said Duty is hereby directed and required to keep a Register of all Entries in a Book for that Purpose, and give to the Governour, Council and General Assembly of this Colony, when sitting (or either of them), and Requiring the Same, an Account fairly written of the Names of such Masters or Persons who have so Entered or Reported, with the Names of Such Ships or Vessels and their Tonnage, and faithfully account for Money received by virtue of his Office. And if the said Officer Shall Suspect any Master or Comander to have made a short Report of the Guage or Tonnage of his Ship or Vessel, the said Officer or Such Sworn Surveyor or Guager as he Shall Imploy, Shall Immediately repair on Board such Ship or Vessell by him so Suspected, to take the true Tonnage thereof, according to his best Judgment, and make true Entry thereof, as aforesaid, and if it be found the Entry of the Said Ship or Vessel be short of Such Guage made by the said Officer, the Master or Person making such short Entry, shall Forfeit and pay Two Ounces

and a quarter of Plate, as aforesaid, for every Ton entered Short, to be Recovered & applyed as aforesaid.

And be it further Enacted by the Authority aforesaid, That if any Officer belonging to her Majesties Custom-House in this Colony shall Clear any Ship or Vessel, lyable to pay the Said Duty, until it shall appear to the Said Officers, that Such Ship or Vessel have Entered with the Officer appointed to Collect the Duty and paid the Same, as aforesaid, he or they Shall pay double the Tonnage of what Such Ship or Vessel out to have paid, to be Recovered and applyed in manner as aforesaid.

And be it further Enacted by the Authority aforesaid, That there shall be paid the Duty of Ten Ounces of good Plate aforesaid, or in Bills of Credit made Current in this Colony, to the value thereof, by the Master or Comander of any Ship or Vessel, or Owner of any Negro or other Slave that Shall be Imported, or otherwise brought into this Colony, (all Negroes and other Slaves belonging to the Navigation of any Ship, Sloop or other Vessel, and Slaves belonging to the Neighboring Colonys, going to and from one Colony to the other, for the Service of their Master or Mistress, or Masters or Mistresses, only Excepted) within Forty Eight Hours after the arrival of the said Negro or other Slave. And that every Master or Commander of any Ship or Vessel Shall within Forty Eight Hours after his arrival within this Colony after Notice given by the Said Officer, make Oath before the Mayor of the City of New-York or any Justice of the Peace for the time being, what Number of Negroes or other Slaves he or they brought into this Colony, and to whom Consigned, and on his Neglecting or refusing to take Such Oath, Shall Forfeit and Pay Forty Pounds current Money aforesaid, to be Recovered and applyed as aforesaid.

Provided always, That Negroes Imported directly from Africa, in vessels wholly owned by the Inhabitants of this Colony, shall pay only Seven Ounces and a half of Plate, or Bills of Credit aforesaid, P. head, according to the Regulation of this Act, and no more.

And be it further Enacted by the Authority aforesaid, That if the Officer appointed for the Collecting the Duties aforesaid Shall Suspect any Negro or other Slave to have been Imported or brought in by Land or Water into this Colony, after the Publication hereof, without having paid the Duty laid and required by this act, the Owner or possessor of any such Slave Shall be

Obliged to prove by the Oath of one Credible Witness, That the Said Duty has been duly paid, or that the Said Slave was Imported before the Publication hereof, on failing thereof such Person or Persons, so Suspected, Shall forfeit double the Sum laid and Imposed by this Act on each Slave Imported, as aforesaid, to be Recovered and applyed in manner before expressed.

And for the better and more effectual preventing the double payment of the Duty laid by this Act on Negroes and other Slaves, Be it Enacted by the Authority aforesaid, That the Officer appointed for the Collecting and Receiving the said Duty, Shall, in a Book to be kept for that purpose, keep an exact account of the Names of all Negroes and other Slaves Imported, and of the Person Importing the same, the Time when, and in what Vessel Imported or brought in, as aforesaid, and shall upon the receiving the said Duty give a Receipt to the owner of the Said Slaves, expressing his or her name, the Sum Received of him, or her, the Time of his or her Importation, and in what Vessel Imported, and how brought in; which Receipt, upon the Sale of any of said Slaves, Shall be delivered by the Seller of any of the said Slaves to the Person or Persons buying the same, the better to enable him or them to make proof that the Duty laid by this Act was paid for the Same, according to the true intent and meaning thereof.

And be it Enacted by the Authority aforesaid, That ye Officer appointed to Collect the Duties herein before mentioned, is hereby Required to pay said Duties to be received and collected, to the Treasurer of this Colony for the Time being, and is hereby permitted to pay himself Sixty Two Ounces and a half of Plate P. Annum, for his Sallary. And That the Officer for Collecting the Duties aforesaid, Shall Enter into Recognizance to her Majesty, her Heirs and Successors, in the Sum of One Thousand Pounds, with Security to the approbation of the Speaker of the Assembly, for the Time being, for the due Collecting and Receiving of the Said Duties by this Act to be collected and received, and to pay the Same into the Treasury in manner aforesaid.

And be it also Enacted by the same Authority, That the Moneys raised and levyed by this Act Shall be disposed of and applyed as the Governour, Council and Assembly shall Enact, and not otherwise, And this Act shall remain in full force until the first day of June, in the year of our Lord Christ One Thousand Seven hundred and Sixteen.

[CHAPTER 274.]

[Chapter 274, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1715 ed., p. 188. Title only is printed in Baskett, p. 160. Expired, June 1, 1718. Revived by chapter 355.]

An Act for Licensing Hawkers and Pedlars within this Province for four Years.

[Passed, June 21, 1714.]

Be it enacted by his Excellency the Governour, Councill and Generall Assembly, and it is hereby Enacted by the Authority of the same, That from and after the first day of june, one thousand seven hundred and fourteen, untill the first day of june, one thousand seven hundred and eighteen, there shall be answered & paid to her Majesty, her Heirs and Successors, by every Hawker, Pedlar, Petty Chapman, or any other trading Person or Persons, going from town to town, or to other mens houses, and Travelling either on foot, or with horse, horses, or otherwise, within this Province of New York (Except as hereafter is excepted) carrying to sell or exposing to sale any Goods, Wares or Merchandizes, a Duty of Ten Pounds per annum; and that every Person, so travelling with a horse or other Beast bearing or drawing Burthen shall pay the summ of Ten Pounds per Annum for each horse or other Beast bearing or drawing Burden, he or she shall so travell with over and above the said first mentioned Duty of ten Pounds.

And be it further Enacted by the Authority aforesaid, That every Pedler, Hawker or Petty Chapman, and other trading Person or Persons, so Travelling as aforesaid, within this Province, shall before the first day of June. one thousand seven hundred and fourteen, deliver or cause to be delivered in writing under, their hands & seals, unto his Excellency the Governour of this Province, or Commander in Chief, for the time being, or such Person or Persons Deputed by them, for the time being, a Note in writing under his or her hand, or under the hand of some Person, by him, her or them Authorized in that behalf, how and in what manner he or she will travell and trade, whether on foot or with one or more horse or horses, or other Beast bearing or drawing burden for his or her so travelling and Trading, for which he or she thereupon shall pay unto her Majestys Collector or receiver

Generall for the time being, to be applyed towards the support of the Government of this Colony of New York, one Moiety of the Duty by this Act payable for the same, and give Security by Bond, with one or more sufficient sureties, to be taken in her Majesties Name, for the true payment of the other Moiety of the said duties, twelve Months after the taking of the License, unless the Party shall chuse to pay Down the other Moiety of the said Duty, in which case he or she shall be allowed after the Rate of two shillings in the Pound, for Prompt payment of the same; and thereupon a License shall be granted unto him or her so to travell or trade, by his Excellency the Governour or Commander in Chief, for the time being, under his hand and seal.

And be it further Enacted by the Authority aforesaid, That if any such Hawker, Pedlar or Petty Chapman, from and after the said first day of June, one thousand seven hundred and fourteen, be found trading as aforesaid, without or Contrary to such License, such Person shall for each and every such offence, forfeit and pay the summ of thirty Pounds Current Money of this Collony, the one Moiety thereof to the informer, & the other Moiety to the Poor of the Town or place wherein such Offender shall be discovered, and that every Person so trading, who upon demand made by any Justice of the Peace, shcriff, Constable or other Officer within this Province, where he or she shall so trade, shall Refuse to Produce or show His, her, or their License, for so trading, to be granted as aforesaid, that then the Person so Refusing shall forfeit five Pounds to be paid to the Over-seers of the Poor where such demand shall be made, to the use of the Poor of that place, and for Non-payment thereof shall suffer one Months Imprisonment.

And be it further Enacted by the Authority aforesaid, & his Excellency the Governour or Commander in Chief for the time being is by this Act desired & Authorized upon the terms aforesaid, and upon the Receipt & security given as aforesaid, to grant a License under his hand & seal to every Hawker, Pedlar, Petty Chapman, or any other trading Person for him or herself, or for him or herself with one or more horses or other Beasts bearing or drawing Burden, wherewith he or she travell with, as the Cases shall require; for which License there shall be paid the sum of ten shillings, and no more, over and above the Dutys as aforesaid; and that the Receiver Generall for the time being shall

keep a Distinct Account of the Dutys Receiv'd by him by Vertue of this Act.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall forge or Counterfeit any License or Licenses to travell with, such forged or Counterfeited License, for the Purposes aforesaid, such person shall forfeit the sum of fifty pounds, one Moiety thereof to her Majesty, her Heirs & Successors, to be applyed towards support of the Government of this Province, the other to him or them that shall Prosecute or Sue for the same, to be recovered by Action of Debt, bill, Plaint or Information in any of the inferiour Courts within this Colony, in which no Essoyn, Protection, wager of Law, or more then one imparlance shall be Allowed.

And be it further Enacted by the Authority aforesaid, That if any Person or Persons shall be sued, molested or troubled for putting in Execution any the Powers contained in this Act, or for doing any matter or thing Pursuant thereunto, such Person or Persons shall and may Plead the Generall issue, not Guilty, and give the speciall matter in evidence; and if the Plaintiff or Plaintiffs shall be prosecuted, or judgment be given against him or them, upon Demurrer, or Verdict pass for the Defendant, shall have his her or their Treble Costs, to be recovered in such manner as whereby Law Costs are given to Defendants.

AND BE IT FURTHER Enacted by the Authority aforesaid, That if any sheriff, Constable, or other Officer, shall Refuse or Neglect, upon due notice, upon their own view, to be aiding and Assisting in the Execution of this Act, being thereunto required, Each and every such Officer & Officers being thereof convicted by the oath of one or more Credible Witness or Witnesses, before any Justice of the Peace in the Place where any such Offence shall be committed, shall forfeit for each and every such Offence Contrary to this Act, the sum of forty shillings, to be levyed by Distress and sale of the Offenders Goods, by Warrant under the hand and seal of such Justice of the Peace, the one Moiety to the poor of the place where such offence shall be committed, the other Moiety to the Informer who shall Prosecute for the same, rendring the Over-plus thereof to the owner, if any be.

AND BE IT FURTHER Enacted by the Authority aforesaid, That it shall and may be Lawfull for any Person or Persons whatsoever to sease & Detain any such Hawker, Pedlar, Petty Chapman, or other trading Person or Persons, as aforesaid, till such

time He, she or They shall Produce a License, in that behalf, if He, she or They have any; and if he she or They shall be found Trading without a License, Contrary to this Act, for such Reasonable time as He, she or They may give Notice to the sheriff, under sheriff, or any of the Constables, or some other Officer or Officers, who are hereby required to carry such Person so seized before one or more of Her Majestys Justices of the Peace of the County or Place where such Offence or Offences shall be committed, which said Justice or Justices of Peace is and are hereby Authorized and strictly required, either upon the Confession of the Party offending or due Proof of Witness upon Oath (which he is hereby impowered to Administer) that the Person so brought before him or them, had so Traded, as aforesaid, and that no such License shall be produced by such Offender before the said Justice, by Warrant under his or their hands and seals, or under the hand and seal of any one of them, to cause the said sum of Thirty Pounds to be forth-with Levied by Distress and sale of the Offenders Goods, Wares, or Merchandize, rendring the Overplus, if any be, to the Owner or Owners thereof, after true Deduction for the Reasonable Charge for taking the said Distress, and out of the said sale, to pay the said Respective Penaltys and Forfeitures aforesaid.

PROVIDED always, and be it enacted by the Authority aforesaid, That this Act nor any thing therein contained shall extend to Prohibit any Person from selling any fish, fruit or victuals, nor to hinder any Person or Persons who are the Real workers or Makers of any Goods or Wares of his, her, or their own making, in any Publick Market, fair, Markets, or elsewhere, nor any Tinker, Glazier, Cooper, Plummers, Tailor, or other Person usually trading in, mending and makeing of Cloaths, Kettles, Tubs, or Household Goods whatsoever, from going about and carrying with him or them Proper Materials for makeing & mending the same.

PROVIDED ALSO, AND BE IT further Enacted by the Authority aforesaid, That neither this Act nor any thing therein contained shall extend or be Construed to give any Power for the Licensing for any Hawker, Pedler, or Petty Chapman, to sell, or expose to sale any wares or Merchandizes in the City New York and Albany.

Any thing herein contained to the Contrary Notwithstanding.

[CHAPTER 275.]

[Chapter 275, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1715 ed., p. 191. Title only is printed in Baskett, p. 159.]

An Act for Collecting and paying to the County Treasurers the Arrears of Taxes in the County of Richmond, for defraying the Publick and Necessary Charge of the same County.

[Passed, June 21, 1714.]

Whereas there are Sundry Arrearages of Taxes for the Defraying the Publick and Necessary Charge of the County of Richmond, that remain uncollected and in the hands of severall Collectors of said County.

BE IT therefore Enacted by his Excellency the Governour, Council and General Assembly of this Colony, and by the Authority of the same, That the Severall Collectors in the County of Richmond, who were or have been at any time Chosen or Appointed to Levy and Collect all or any part of the County Taxes raised in the said County, since the Year One thousand seven hundred and Nine, or in Case of Death or Removal, the Collectors for the time being, shall and are hereby directed, required and impowered to Levy and Collect the Arrears of all or any part of said County Taxes, according to the severall Assessments thereof, and from the severall AND respective Persons in the said County Chargeable therewith, who have not paid all or still are in Arrears for the said Taxes, or any Part thereof, and the sum so Levied and Collected, with the sums now Remaining in any Collectors hands of any Assessments, shall forthwith be paid unto the Treasurer of the said County, to be disposed as the Supervisors or the Major part of them shall Direct, for Defraying the Publick and Necessary Charge of the said County.

And be it further Enacted by the Authority aforesaid, That if any Person or Persons shall Deny, Neglect or Refuse to pay their Proportion of the said Taxes, Then it shall and may be Lawfull for the Collector or Collectors to Levy the same by Distress upon the Goods and Chattels of the Offenders, by Virtue of this Act, And to sell the same by Publick Vendue, and after the Sum Dis-

trained for and Charges being Deducted, to return the Overplus unto the Owner, if any be.

AND be it further Enacted by the Authority aforesaid, That if any Collector or Collectors shall Deny, Neglect or Refuse to Collect and pay in the Money according to the true Intent and Meaning of this Act, They shall respectively forfeit the Sum of Twenty Pounds Current Money of New York, to be Recovered in any Court of Record within this Colony, the one half of which Forfeiture shall go to the Person or Persons that shall be wronged, injured or Delayed, and shall Sue for the same, the other half of the said Forfeiture to be paid unto the Treasurer for Defraying the Publick Charge of the said County.

[CHAPTER 276.]

[Chapter 276, of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Bradford, 1715 ed., p. 206; Baskett, p. 159. See chapter 259.]

An Act to Relieve Sam'll Steel Commander of the Ship Benjamin and all others concern'd in the said Ship and Cargo from the Duty of seven and a half P. Cent Imposed by an Act of Assembly made in the Twelfth Year of Her Majestys Reign.

[Passed, June 21, 1714.]

Whereas Samuel Steel Commander of the Ship Benjamin hath set forth in his Petition to the General Assembly of this Colony now met and Assembled, that in July One thousand seven hundred & thirteen He sailed from Bristoll for the Port of New York, being there duly Registered and cleared for a Lawful Trade and Traffick. And that by Adverse Winds He and his Company were Reduced to great Extremitys and forced to bear away for Antegua, where He was obliged to Dispose of some servants to help refit his Ship in order to proceed to this Port. And with some part of the Produce of his servants so Disposed of He Procured some Rum and Mallossos which He took on board there. That on entring the said Rum and Mallossos the Deputy Collector of Antegua did Detain from him the Cockets which He had from Bristoll, giving to said Master a Certificate of the Contents of them under his hand and seal of his Office, Countersigned by the Comptroaler there. That upon his Arrival at this Port the afore-

said Master not having his Cockets from Bristol, Her Majestys Receiver General here Demands the Duty of seven and a half P. Cent for the European Goods pursuant to an Act of Assembly of this Colony entituled an Act for a supply to be granted to Her Majesty for Supporting the Government made in the twelfth Year of Her Majestys Reign Humbly praying for some suitable Relief from the Hardship of his Case. Wherefore for the ease and Relief of the said Samuel Steel and all others concerned in the Cargo imported in that Ship, The Assembly Humbly pray his Excellency that it may be enacted, and Be it enacted by his Excellency the Governour Council and General Assembly of the Colony of New York, and it is hereby Enacted by the Authority of the same, That the said Samuel Steel and all others Concerned in the Cargo of the said ship Benjamin be Released and Discharged and are hereby Released and Discharged from the said Duty of seven and a half P. Cent. Laid and Impowered by Virtue of the said Act of General Assembly past in the twelfth Year of Her Majestys Reign. Entituled An Act for a supply to be Granted to Her Majesty for Support of the Government to be paid for all the Goods Wares and Merchandizes taken on Board at the Port of Bristoll in the Kingdom of Great Britain in Order to be Imported into the Port of New York in this Collony and not Otherwise although the said Goods might be Comprehended within the Letter of the said Act, But not being within the intent and meaning of the same any thing in the said Act to the contrary Notwithstanding.

[CHAPTER 277.]

[Chapter 277, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1715 ed., p. 192; Baskett, p. 160. Expired in 1721. See chapter 170. Revived by chapter 423. Repealed by chapter 547, and therein provided for.]

An Act for Reviving an Act of Generall Assembly of this Province, entituled, an Act to prevent Damages by swine in the County of West Chester, Queens County, and the County of Richmond.

[Passed, June 21, 1714.]

Whereas an Act of General Assembly of this Province, made in the seventh Year of Her Majesties Reign, Entituled, an Act

to prevent Damages by Swine in the County of West Chester, Queens County and County of Richmond, is expired by its own Limitation, and the said Act having by Experience been found to be very Beneficiall to the said Counties.

Be it therefore Enacted by the Governour, Councill and Generall Assembly of this Colony, and by the Authority of the same, That the said Act, and every Article, Clause, and thing therein contained, be revived and Continued, and the same Act is hereby Revived and Continued, and to remain in force for and during the term of seven Years from and after the Publication of this present Act, and no longer

[CHAPTER 278.]

[Chapter 278, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1715 ed., p. 186. Title only is printed in Baskett, p. 159. Expired, July 1, 1715.]

An Act for a Supply to be Granted to her Majesty for Supporting the Government for the ensuing Year.

[Passed, July 6, 1714.]

Be it Enacted by his Excellency the Governour, Council and General Assembly, and by the Authority of the same, That there be given and granted to her Majesty, Her Heirs and Successors, for the Support of Her Government in the Colony of New York, for one year, Commencing from ye thirteenth Day of June, Anno one Thousand seven hundred and ffourteen, Seven thousand Ounces of Plate, of the Spanish Coyns of Sevill, Pillar & Mexico, or the value thereof in Lyon Dollars or half Dollars, at Thirteen penny Weight and Eighteen Grains each Dollar, or in Bills of Credit current in this Colony, to be paid to her Majesties Receiver General, for the time being, out of the Duties and Impositions herein after mentioned, to be Collected in manner following, That is to say;

For every Pipe of Wine, and so in Proportion for a greater or lesser Quantity Imported in Bottoms wholly owned by the Inhabitants of this Colony, five Ounces of Plate aforesaid.

For every Pipe of Wine, and so in Proportion for a greater or lesser Quantity Imported into this Colony, in Bottoms not entirely owned by the Inhabitants of this Colony, Seven Ounces and a half of Plate aforesaid.

For all European Goods Imported into this Colony from Boston, Twelve Ounces and a half of like Plate for every hundred Pounds Value prime Cost, So Imported, and so Proportionably for a greater or Smaller Quantity. And

For all European Goods Imported into this Colony from any other of her Majesties Plantacons, Eighteen Ounces and Three Quarters of Plate aforesaid, for every hundred Pounds Value prime Cost so Imported.

And be it further Enacted by the Authority aforesaid, That for the due and orderly Collecting of the aforesaid Duty on Wine and European Goods, the Merchant or Owner of the said Goods shall forthwith, after He or They have made Entry thereof in the Custom house, deliver, Or cause to be delivered, a Copy of such Entry to the Receiver General, who after having compared the Copy of the aforesaid Entry delivered to him, as aforesaid, which He is hereby Required forthwith to do, after the Receipt thereof, the Merchant or Owner of the said Goods shall pay or secure to be paid to the said Receiver General, within three Months after the said Entry made, the aforesaid Duty on Wine and European, Goods, and in Case the Merchant or Owner of such Wine and European Goods shall Neglect or Refuse to pay the said Duty, Then and in such Case it shall and may be Lawfull for the Receiver General to take and Detain the said Wine and European Goods until the Duty by this Act required is and shall be paid and satisfied.

And be it further Enacted by the Authority aforesaid, That the sums of Money now in the hands of ye Receiver Generall of this Collony, (being what Accrued by virtue of an Act Entituled, an Act for a supply to be Granted to her Majesty for Supporting the Government, over and above the sum of seven Thousand Ounces of Plate, raised by virtue of the Act aforesaid) be paid by the said Receiver General to his Excellency Robert Hunter, Esqr, towards his Sallary for the present Year as Governour of this Colony, in part of the Seven Thousand Ounces of Plate, raised by this Act.

And be it further Enacted by the Authority aforesaid, That if upon the Treasurers Examining of the Receiver Generalls Quarterly Accounts, which he is hereby Authorized to do, it appears That the Duties and Customs herein Granted shall not amount to the sum of one Thousand seven hundred and fifty Ounces of Plate, in each Quarter, Such Deficiency shall be made good and

paid by the Treasurer of this Colony at the End of Each Quarter, by Virtue of this Act, out of the Excise or Duties on Tonnage, Slaves, Vendues or any other Publick Money, Not otherwise appropriated, to her Majestys Receiver General of this Colony, for and towards the Support of the Government of the same. And That the said Receiver General, for the time being, shall lay before the Governour, Council or General Assembly, for the time being, when Required a true Account, upon Oath, of the Receipts and payments of the Duties and Customs hereby laid and Imposed.

This Act to be in force from the last Day of June this present Year, until the first Day of July which shall be in the Year of Our Lord One Thousand Seven hundred and fifteen, and no Longer.

[CHAPTER 279.]

[Chapter 279, of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Bradford, 1715 ed., p. 206; Baskett, p. 159.]

An Act for the Treasurers paying to his Excellency a sum of money for Presents to the Five Nations of Indians and for his Expence in going to Albany to treat with them.

[Passed August 6, 1714.]

BE IT ENACTED by the Governour Council and General Assembly and by the Authority of the same That the Treasurer of this Colony shall pay to his Excellency Robert Hunter Esqr Governour of this Colony or his Assigns the sum of One Thousand Ounces of Plate of the Spanish Coyns of Sevil Pillar or Mexico Lyon Dollars or half Dollars at thirteen Penny Weight and Eighteen Grains for each Dollar or in Bills of Credit made Current in this Colony out of any Publick Money not otherways appropriated now in his hands or that shall be by him received, to be laid out for Presents to the five Nations of Indians at Albany and for his Excellencys Expences in going thither to treat with them. And That the Receipt of his Excellency or his Assigns shall be to the said Treasurer a sufficient Discharge of the same.

[CHAPTER 280.]

[Chapter 280, of Livingston & Smith, where the act is printed in full. Chapter 280, of Van Schaack, where the title only is printed. Title only is printed in Bradford, 1715 ed., p. 206. The act is printed in full in Baskett, p. 160. The original of this act is not in the office of the Secretary of State. This copy was made from Livingston & Smith, by whom it was copied from a London edition. From the Minutes of the Council, it appears that an act of this title was signed by the Governor, September 4, 1714. (See Journals of Legislative Council, p. 380.) Livingston & Smith and Van Schaack, and Baskett, state that the act was confirmed by the Crown, June 17, 1715. (See copy of order in Council, confirming in Doc. Rel. to Col. His. of N. Y., Vol. V., p. 412). Explained by chapter 291. See also chapters 450, 631.]

An Act for paying and discharging the several Debts and Sums of Money claimed as Debts of this Colony, to the several Persons therein named, and to make and enforce the Currency of Bills of Credit, to the Value of Twenty Seven Thousand Six Hundred and Eighty Pounds, for that Purpose; also to make void all Claims and Demands made, or pretended to be due from this Colony before the first Day of June, One Thousand Seven Hundred and Fourteen, and to prevent this Colony from being in Debt for the Future.

[Passed, September 4, 1714.]

WHEREAS there are several Persons who claim Sums of Money, as due to them from this Colony, for Services formerly done, or Money and Effects advanced by them for the necessary Service thereof, by Directions from the former Governors of this Colony, or those who have executed the Authority of the same; for many of which Sums of Money, Warrants have been drawn by the said Governors, by and with the Consent of the Council of this Colony, upon the Collector and Receiver-General for the Time being, payable out of such funds or Sums of Money, as have from Time to Time been raised and paid by the Subjects inhabiting this Colony, for the Support of the Government of the same; which Warrants nevertheless, have not been complied with, nor the Claimants paid; but great Part of the Funds and Sums aforesaid, misapplied, and extravagantly expended, by some of the former Governors of this Colony, contrary to the true Intent for which such Sums were raised; which Misapplication, unjust and extravagant Expending of the Revenue given by the loyal Sub-

jects aforesaid, to her Majesty, and to her Royal Predecessors, Kings and Queens of England, sufficient for the honourable as well as necessary Support of their Government here; has in a great Measure sunk the Credit of the said Government; discouraged and disabled the Subjects inhabiting therein, from raising such Supplies as they would otherwise be inclinable to do, and has occasioned the Demands now made by most of the Claimants aforesaid, for the Services done, and Sums of Money advanced by them; which, if not complied with in some Measure, will be the utter Ruin and Undoing of many of the said Claimants, and prove a great and irreparable Loss to most of them; And although this Colony, in strict Justice, is in no Manner of Way obliged to pay or discharge many of the said Claims, having from Time to Time provided Sums sufficient to have prevented most of the said Demands, had the said Sums been duly applied; yet, in Regard many of the Warrants drawn as aforesaid, have passed in the Nature of Bills of Credit, and many of her Majesty's Subjects would be great Sufferers, if not relieved; Therefore, in order to discharge the said Claims, restore the publick Credit, and fix it on such a Foundation as will be most conducive to the Service of her Majesty, and her Royal Successors, as well as the Good of her Subjects inhabiting this Colony, and to settle and quiet the Minds of the same, bury all Strifes, Animosities, and Divisions, that might otherwise arise, for, about, or concerning any of the said Claims, as well as in tender Commiseration of the Condition of many of the Claimants, who, without any Act of General Assembly, are wholly Remediless;

I. BE IT ENACTED by the Governor, Council, and General Assembly, and it is hereby Enacted by the Authority of the same, That the Sum of Twenty-seven Thousand Six Hundred and Eighty Pounds, be, by the Treasurer of this Colony, paid to the several Persons hereafter named, their Executors, or Assigns, in such Manner as is hereafter expressed; That is to say:

[Here follow the several Payments to be made to the Persons mentioned in this Act, which being undoubtedly made, and being private in their Nature, we thought it unnecessary to publish them.]

II. And for the better and more effectual preventing of the Paying over again, or undue Payment of all or any of the Sums above mentioned, or of any Part thereof; BE IT ENACTED by the Governor, Council, and General Assembly, and it is hereby

Enacted by the Authority of the same, That all and every the Persons above-named, their Executors, Administrators, or Assigns, shall, on the receiving of the several and respective Sums directed to be paid them, as aforesaid, sign a Receipt on the Back, or some Part of each Account or Warrant, in these Words:

I A. B. do acknowledge to have received full Satisfaction for the Money claimed by the above, or within Warrant or Account; as Witness my Hand.

In which Receipt, shall be mentioned the Circumstance of the Receiver, whether Executor, Administrator, or Assign; which Warrants and Accounts, shall, by the Claimers of any of the Sums of Money aforesaid, their Executors, or Assigns, be delivered to the Treasurer of this Colony, and by him carefully numbered and kept; and Accounts of them, and the Dates, together with the Sums demanded and paid, shall be fairly entred in a Book for that Purpose, by the said Treasurer to be kept; to each of which, the Persons claiming or receiving the Money, shall sign a Receipt, as aforesaid, and shall also make Oath in the following Form:

I A. B. have not, directly nor indirectly, formerly received the Sum now to be paid me, or any Part thereof, or any Consideration of any kind whatsoever, for the Services mentioned in the Warrant or Account for which I am directed to be paid by the General Assembly of this Colony, nor any other Person for me, or by my Privity, Consent, or Procurement; nor do I know or believe, that the said Sum, or any Part thereof, or any Consideration, hath been paid or given to any Person whatsoever, for the Services therein mentioned: So help me GOD.

Which Oath, the Treasurer of this Colony for the Time being, is impowered, appointed, directed, and required to administer, to the several Persons aforesaid, or to their Executors, Administrators, or Assigns, before their receiving of any of the said Sums, as aforesaid, and not otherwise to pay any of the Sums mentioned aforesaid, or any Part thereof, to any Person demanding the same, and refusing to sign Receipts, and make Oath, as before directed.

III. PROVIDED ALWAYS, That whereas several persons directed to be paid by this Act, live remote from the Habitation of the Treasurer aforesaid; BE IT THEREFORE ENACTED by the Authority aforesaid, That any Person directed by this Act to be paid any Sum of Money, every such Person may take the Oath

before mentioned, before any of her Majesty's Justices of the Peace in the Colony, who are hereby impowered to administer the same; which being certified by the Oath of any one Witness present at the Time of administering the said Oath, and hearing the same, unto the Treasurer aforesaid, the said Treasurer shall pay any of the Sums aforesaid, and take Receipts, as aforesaid.

IV. PROVIDED ALSO, AND IT IS HEREBY ENACTED, That his Excellency ROBERT HUNTER, Esq; shall only declare upon his Word and Honour, that the Sum mentioned in this Act, is truly, and bona fide, due to him, and that he hath not received any Payment or Consideration for the same, or any Part thereof.

V. AND IT IS FURTHER ENACTED by the Governor, Council and General Assembly, and by the Authority of the same, That any Person or Persons, having given in any Warrant or Account to the Commissioner for stating of the publick Accounts, or to the Clerk of the General Assembly, and shall hereafter make Oath before the Treasurer of this Colony, or any Justice of the Peace, as by this Act is before directed; and if it shall afterwards happen to be made appear, either by the Oath of two credible Witnesses, or by Receipts or Accounts under the Hand of the Person or Persons assigning, transferring, delivering over, bringing, sending, or claiming of the Sums mentioned in such Warrant or Account, or any Part thereof, or by the Minutes or Council, or Books of Accounts of or belonging to the Auditor, Deputy-Auditor, Receiver, or Receiver-General, or Commissioner, or Commissioners for executing the Office of Receiver-General, or by any Manner of Ways or Means whatsoever; that the Sums mentioned in such Warrants or Accounts, and claimed as a Debt due from this Colony, have been paid and discharged, either in Whole, or in Part, before such Claims made, or Oath taken; every such Person who hath assigned, transferred, delivered over, bought, or sent any such Warrant or Account, or claimed the Sum mentioned by the said Account to be due, or any Part thereof, or receiving any of the Sums appointed by this Act to be paid, as aforesaid, or any Part thereof, and knowing that the said Sum, or any part thereof, hath been paid before; shall repay the Sum received, and be fined to her Majesty, her Heirs and Successors, in the full Sum so claimed, to be applied towards the Support of the Government of this Colony.

VI. And for the better and more speedy and effectual Payment of the several Sums before mentioned, and other the Sums

appointed to be paid by this Act; BE IT ENACTED by the Governor, Council, and General Assembly, and it is hereby Enacted by the Authority of the same, That Bills of Credit to the Value of Twenty-seven Thousand Six Hundred and Eighty Pounds, shall be printed; that is to say; Five Hundred Sixty-eight Bills, of Twenty-five Ounces of Plate, or Ten Pounds Value each; Five Hundred Bills, of Eighteen Ounces Fifteen Penny Weight of Plate, or Seven Pounds Ten Shillings, Value each; Seven Hundred Bills, of Fifteen Ounces of Plate, or Six Pounds Value each; Seven Hundred and Twenty Bills of Twelve Ounces Ten Penny Weight of Plate, or Five Pounds Value each; One Thousand Bills, of Seven Ounces Ten Penny Weight of Plate, or Three Pounds Value each; Eight Hundred Bills, of Six Ounces Five Penny Weight of Plate, or Two Pounds Ten Shillings Value each; Eight Hundred Bills, of Three Ounces Fifteen Penny Weight of Plate, or One Pound Ten Shillings Value each; Ten Hundred Bills, of Three Ounces Two Penny Weight, and Twelve Grains of Plate, or One Pound Five Shillings each; Twelve Hundred Bills, of One Ounce Seventeen Penny Weight and Twelve Grains of Plate, or Fifteen Shillings Value each; Fifteen Hundred Bills, of One Ounce Ten Penny Weight of Plate, or Twelve Shillings Value each; Two Thousand Bills, of Fifteen Penny Weight of Plate, or Six Shillings Value each; Four Thousand Bills, of Seven Penny Weight and Twelve Grains of Plate, or Three Shillings Value each; Upon which Bill, shall be impressed on the Left Side of the said Bills, about the Middle of the Side, the Arms of the City of New-York; and the said Bills shall be in the Form following, viz.

THIS indented Bill, of Ounces of Plate, or due from the Colony of New-York, to the Possessor thereof, shall be in Value equal to Money, and shall be accepted accordingly, by the Treasurer of this Colony for the Time being, in all publick Payment, and for any Fund at any Time in the Treasury. Dated in New-York, the first Day of July, One Thousand Seven Hundred and Fourteen, by Order of the Governor, Council, and General Assembly.

Which Bills shall be sign'd and numbered by Robert Walters, Esq; Robert Lurting, Esq; David Provoost, Esq; and John Cruger, Esq; or any three of them; and in Case of the Death of any of the said Persons, the said Bills shall be sign'd and numbred by the major Part of the Persons above mentioned, then alive. Which Bills of Credit to be made and issued out by Virtue

of this Act, shall be, and continue currect for and during the Space and Time of Twenty-one Years, and shall be received and paid for the same Value, and equal to the current Coin passing in this Colony, for Goods, or any other Thing bought and sold by all Persons whatsoever, residing and passing through this Colony, according to their Rates, and the Tender of the said Bills for Payment, or discharging of any Debt or Debts, Bargain, Sale of Land, or other Things, Bonds, Mortgages, Specialties, and Contracts whatsoever, shall be as effectual in the Law, to all Intents and Purposes, as if the currect Coin in this Colony had been offered and tendred for the Discharge of the same, or any Part thereof.

VII. AND BE IT FURTHER ENACTED by the Authority aforesaid, That if any Person or Persons, Creditor or Creditors, Obligee or Obligees, and Party or Parties to any Contract, Covenant, Bargain, or Agreement whatsoever, already made, or hereafter to be made, at any Time during the said Twenty-one Years, shall, upon Tender of all or any of their Debts, Dues, and Demands whatsoever, or any Part of them, in the Bills of Credit made current by this Act; refuse to accept or receive the said Bills of Credit in Discharge of the said Debts, Dues or Demands, or any Part of them, according to their Value and Rates; he, she, or they, so refusing to accept the said Bills of Credit in Discharge, as aforesaid, shall lose the said Debt or Debts, Sum or Sums of Money, or such Part of the same, so refused; and they and every of them, their and every of their Heirs, Executors, or Administrators, shall for ever be barred from bringing his, her, or their Action for the Recovery of the said Debt or Debts, Sum or Sums of Money, so refused, as aforesaid; and the Defendant may plead this Act in Bar to any Action or Actions that shall be so commenced.

VIII. AND BE IT FURTHER ENACTED by the Authority aforesaid, That if any Person or Persons whatsoever, within this Colony, shall, during the said Twenty one Years, offer to sell, or expose to Sale, any Goods or Chattels, Lands or Tenements whatsoever, and deny or refuse to sell, or ask a greater Value for the same, unless Payment be made in current Silver Money, Gold Plate Dollars, or other Species whatsoever, and not in the said Bills of Credit (whereby the Credit of the said Bills may be impaired) then, and in such Case, the person so exposing to Sale, and refusing, as aforesaid; shall, if the Goods or Chattels exposed to Sale, be under the Value of Five Pounds, Forfeit the Sum of

Forty Shillings for each Offence, to be recovered before any Justice of the Peace within this Colony, upon the Oath of any Two Witnesses; and if the Value of the Goods or Chattels, Lands and Tenements, be above Five Pounds, and under Fifty Pounds, the Exposer to Sale shall forfeit the Sum of Five Pounds; and if the Goods or Chattels, Lands or Tenements, be above the Value of Fifty Pounds, and under One Hundred Pounds, the Exposer to Sale shall forfeit the Sum of Ten Pounds; and if the Value of the Goods or Chattels, Lands or Tenements, be above One Hundred Pounds Value, the Exposer to Sale shall forfeit Fifty Pounds; to be recovered by Action of Debt, in any Court of Record within this Colony, with Cost of Suit; the first Forfeiture to the Use of any Person that shall sue, for the same; the other three Forfeitures, the one Half thereof to the Use of such Persons as shall sue for and prosecute the same to Effect; the other Half to the Use of the Queen, her Heirs and Successors, to be applied towards the Support of the Government of this Colony; any Law, Custom or Usage to the Contrary, in any wise notwithstanding.

IX. AND BE IT ENACTED by the Authority aforesaid, That the Persons appointed for the Signing of the said Bills of Credit, shall take an Oath before any one Justice of the Peace of this Colony, for the true Signing and Delivering of all the said Bills of Credit, and no more than the Number mentioned in this Act, to the Treasurer of this Colony, according to the true Intent and Meaning of this present Act.

X. AND BE IT ENACTED by the Authority aforesaid, That the Quantity of Plate that each Bill shall be current for, and the Value of the same, be printed on the Top of each Bill.

XI. AND BE IT ENACTED by the Authority aforesaid, That Robert Walters, John Cruger, Robert Lurting and David Provost Esqrs, appointed hereby to sign the Bills of Credit made current by this Act, shall, for such their Service, have paid unto each of them, or each of their Executors, or Assigns, by the Treasurer aforesaid, in Bills of Credit made current by this Act, the Sum of Fifty Pounds, as a Reward for their Trouble, in signing and numbring the Bills aforesaid.

XII. AND BE IT ENACTED by the Authority aforesaid, That if any Person or Persons whatsoever, shall presume to counterfeit any of the said Bills of Credit, he, she, or they, being convicted thereof, shall incur the Pains and Penalties of Felony, without Benefit of Clergy, and shall suffer accordingly.

XIII. And that the said Bills of Credit may be truly and bona fide sunk, as the Fund arising by Virtue of an Act, entitled, An Act for laying an Excise on all Strong Liquors retailed in this Colony, is paid unto the Treasurer of this Colony for the Time being; BE IT ENACTED by the Governor, Council, and General Assembly, and it is hereby Enacted by the Authority of the same, That Robert Walters, John Cruger, David Provost, and Robert Lurting aforesaid, or the major Part of them living, or that shall be living, shall twice yearly and every Year, viz. on the first Day of June, and on the first Day of December, audit the Accounts of the Money received by Virtue of the Act aforesaid; and shall within one Week thereafter, affix, Advertisements in the most publick Places of the City of New-York, setting forth what Quantity of Money hath been received, and is in the Treasurer's Hands, by Virtue of the Act aforesaid; which Money shall, by the Treasurer aforesaid, be given in Exchange for Bills of Credit made current by this Act, to any Person or Persons bringing in the same; and the said Bills of Credit shall, on or before the Expiration of one Month after the Time of such Audit, be sunk and destroyed, in Presence of Robert Walters, Robert Lurting, John Cruger, and David Provoost, or the major Part of them then alive, appointed by this Act to audit the Accounts of the said Treasurer, having first compared the said Bills of Credit with their Counterparts, and entred into a Book, to be kept for that Purpose, the Number and Value of such Bill of Credit so sunk and destroyed: But if it so happen, that all, or any Part of the Sums arising by Virtue of the Act aforesaid, shall be paid unto the Treasurer of this Colony in Bills of Credit aforesaid; that then, and in such Case, the said Bills shall be sunk in Manner aforesaid, immediately after the said Account of the Treasurer is audited, and publick Notice shall be given of the Value of the Bills so sunk and destroyed, as also of the Quantity of Money in his Hands (if any be) within the Time before prescribed.

XIV. IT IS ALSO ENACTED by the Authority aforesaid, That the Treasurer shall receive no other Bills of Credit for the Funds arising by Virtue of the Act before mentioned, than those made current by this Act, until all the said Bills shall be sunk; any Thing to the contrary in this or in any other Act notwithstanding.

XV. AND BE IT ENACTED by the Authority aforesaid, That the now Treasurer of this Colony shall, within one Month after the Publication of this Act, take the following Oath, viz.

I A. B. appointed Treasurer of the Colony of New-York, will faithfully and truly discharge the Trust reposed in me, as Treasurer of the same: I will not issue, or cause to be issued or paid, any Money that now is, or may hereafter come into my Hands, as Treasurer aforesaid, otherwise than is, or shall be directed by an Act or Acts of the General Assembly of this Colony; and I will keep true and faithful Accounts of all the Money or Effects that has been, is, or may come into my Hands, or be issued or paid by Virtue of any such Acts, with the Time of my receiving and paying of the same. So help me GOD.

XVI. And in Case of the Death or Removal of the now Treasurer of this Colony, the Treasurer for the Time being, to be nominated and appointed by the General Assembly of this Colony, shall, upon his taking upon himself the Office of Treasurer aforesaid, take the Oath before mentioned; to be administred by any one of her Majesty's Council, or any Justice of the Peace in this Colony, who are hereby impowered, directed, appointed, and required to do the same; and any Treasurer neglecting or refusing to take such Oath, shall be disabled from executing that Trust; and any of her Majesty's Council, or Justices of the Peace, refusing to administer the said Oath, when by the Person appointed Treasurer of this Colony required to do the same; shall, for every such Refusal, forfeit the Sum of Five Pounds; to be recovered by the said Person appointed Treasurer, or any other Person that will sue for the same, in any Court of Record within this Colony, wherein there shall be no Essoign, Protection, or Wager of Law, or any more than one Imparlance; and the said Treasurer shall notwithstanding execute the said Office of Treasurer; any Thing in this Act to the Contrary in any wise notwithstanding; And each of the Auditors appointed by this Act, to audit and examine the Accounts of the said Treasurer, with Relation to the Money received by Virtue of the Act aforesaid, entitled, An Act for laying an Excise on all Strong Liquors retailed in this Colony; and to see, compare, and sink the Bills of Credit as by this Act is directed, shall take the following Oath, viz.

I A. B. appointed to audit and examine the Accounts of the Treasurer of this Colony, will truly, faithfully, and impartially, examine and audit the said Accounts, and compare and sink the said Bills of Credit, as directed in an Act, entitled, An Act for the Paying and Discharging the several Debts and Sums of Money claimed as Debts of this Colony, to the several Persons

therein named; and to make and enfore the Currency of Bills of Credit to the Value of Twenty-seven Thousand Six Hundred and Eighty Pounds, for that Purpose; also to make void all Claims and Demands made or pretended to be due from this Colony, before the first Day of June, in the Year of our Lord One Thousand Seven Hundred and Fourteen; and to prevent this Colony from being in Debt for the future: And will truly and faithfully do and perform, according to my best Skill and Ability, every Thing directed and appointed by the before mentioned Act, for me, as Auditor, to do and perform. So help me GOD.

XVII. AND BE IT FURTHER ENACTED by the Authority aforesaid, That any Person or Persons, who shall neglect or refuse to demand of the Treasurer aforesaid, the Sum or Sums of Money appointed by this Act to be paid to him, her, or them, and to take the Oath appointed by this Act to be taken by the Claimers or Receivers of the Sum or Sums of Money so demanded or received, within Twelve Months after her Majesty's Royal Assent to this Act is signified in this Colony; every such Person so neglecting or refusing, shall for ever hereafter be precluded and debarred from receiving any of the said Sums appointed by this Act to be paid them.

XVIII. AND BE IT FURTHER ENACTED by the Authority aforesaid, That the Persons before named, appointed to audit and examine the Accounts of the Treasurer, as aforesaid, shall, for such Examination and Auditing, receive the Sum of Forty Shillings, each Time of their Examining and Auditing such Accounts; to be paid by the said Treasurer, out of the Fund arising and accruing by Virtue of the Act aforesaid, entitled, An Act for laying an Excise on all Strong Liquors retailed in this Colony: And if it shall so happen, that after the Time of Twelve Months after her Majesty's Royal Assent to this Act is signified in this Colony, there be any Bills in the Hands of the Treasurer of this Colony, not demanded within Twelve Months, as before directed; such Bills are, by the Auditors and Treasurer hereby directed, be first sunk, and an Account of the Sums mentioned in the said Bills, and the Numbers of them, together with the Names of the Persons neglecting or refusing to claim the Sums of Money appointed to be paid by this Act, fairly entred in a Book to be kept for that Purpose.

XIX. AND BE IT FURTHER ENACTED by the Authority aforesaid, That the Treasurer of this Colony for the Time being, shall keep an exact Account of the particular Sum and Sums of

Money, paid by Virtue, and according to the Direction in this Act, with Receipts or Discharges from the Person or Persons, their Executors, or Assigns, to whom the said Sums are payable, at any Time to be produced by him, for View and Examination of the Governor, Council, and General Assembly of this Colony, or either of them, on Penalty of making good and refunding any Sum or Sums of Money which shall not be so vouched and discharged, according to the true Intent and Meaning of this Act.

XX. And whereas sufficient Notice hath been given, so that all Persons having any Claim upon this Colony, might have brought in their said Claims; TIS THEREFORE ENACTED by the Governor, Council, and General Assembly, and by the Authority of the same, That the Sums paid by Virtue of this Act, shall be taken, deemed, esteemed, and accounted, to be an absolute, full, and entire Satisfaction, for all the Claims made, and Debts said to be due from this Colony; and the Persons bringing, claiming, or demanding the same, their Heirs, Executors, or Administrators, shall for ever be precluded and debarred from claiming, demanding, or receiving any other Payment, Acknowledgment, or Reward for the said Claims, or any Part thereof, than what is before mentioned and appointed by this Act; and all Persons what soever, are by this Act, for ever precluded and debarred, from pretending or making any Claim for the Payment of any Service or Services, Goods, Wares, Merchandizes, or Effects, done, advanced, or expended by them, or any of them, their, or either of their Predecessors, Constituents, or Imployers, or by any Person or Persons whatsoever, for the Use of this Colony, at any Time before the first Day of June, in the present Year of our Lord, One Thousand Seven Hundred and Fourteen.

XXI. PROVIDED ALWAYS, AND IT IS HEREBY FURTHER ENACTED, That neither this Act, nor any Part thereof, shall be construed to debar any Person or Persons having a Right to the same, from claiming and receiving from the Receiver General of this Colony, by Virtue of a Warrant drawn by the Governor in Council, their Part, Share, and Proportion, of the Sum of Two Thousand eight Hundred Pounds, raised by an Act of Assembly of this Colony, for and towards the Support of the Government of the same. And provided also, That neither this Act, nor any Part thereof, shall be construed to bar the Chief Justice that now is, or any Member or Officer of the General Assembly that now is, or that heretofore hath been, from claiming

or demanding the Salaries, Fees, or Rewards due to them, as Members or Officers of the said General Assembly.

XXII. BE IT ENACTED by the Governor, Council and General Assembly, and by the Authority of the same, That all Monies whatsoever, that shall for the future be raised by Act or Acts of General Assembly in this Colony, and directed by the said Act or Acts to be lodged in the Hands of the Treasurer of the same, shall not, on any Pretence whatsoever, be disposed of, but by Virtue and Direction of the said Act or Acts, or of an Act or Acts of General Assembly for that Purpose to be made; and all Monies whatsoever, raised or accruing by Virtue of any Act or Acts of General Assembly of this Colony, made or to be made, for and towards the Support of the Government of this Colony, and by the said Act or Acts appointed and directed to be lodged in the Hands of the Receiver General for the Time being, appointed or to be appointed by her Majesty, her Heirs, or Successors, shall be issued by Warrants sign'd by the Governor, or Commander in Chief for the Time being, in Council, by and with the Consent of the greater Part of the Council then present.

XXIII. AND BE IT ENACTED by the Authority aforesaid, That the Treasurer of this Colony for the Time being, shall pay in the Bills of Credit made current by this Act, unto each of the Persons hereafter named, the several Sums of Money hereafter expressed; that is to say;

[Here follow again several Payments, which are omitted for the Reason before.]

XXIV. AND BE IT ENACTED by the Authority aforesaid, That the Sum of Ninety Pounds, in Bills of Credit aforesaid, be paid by the Treasurer of this Colony, for printing the said Bills of Credit.

XXV. PROVIDED ALWAYS, AND BE IT FURTHER ENACTED by the Authority aforesaid, That none of the Bills of Credit intended to be made current by this Act, shall be sign'd, or pass current within this Colony, before this Act, as also an Act, entitled, An Act for laying an Excise on all Strong Liquors retailed in this Colony, published the fifteenth Day of October, One Thousand Seven Hundred and thirteen, be, and are passed her Majesty's Royal Assent, and the said Assent be first signified within this Colony; any Thing in this Act to the Contrary notwithstanding.

[CHAPTER 281.]

[Chapter 281, of Livingston & Smith and Van Schaack, where the act is printed in full. Printed in full in Bradford, 1715 ed., p. 203; Baskett, p. 199. Baskett states that this act was confirmed, February 13, 1718.]

An Act for preventing the Multiplicity of Law Suits.

[Passed, September 4, 1714.]

BE IT ENACTED by his Excell the Governour Council and General Assembly [of this Colony and by the Authority of the same,] That if any two or more dealing together, be indebted to each other upon Bonds Bills, Bargains, Promises, Accounts or the like and one of them Commence an Action in any Court of this Colony if the Defendant cannot gainsay the Deed Bargain or Assumption upon which he is sued, It shall be Lawfull for such Defendant to Plead payment of all or any part of the Debt or sum demanded Giveing Notice in Writeing with the said plea of what he will Insist upon at the Tryall for his Discharge and give any Bond, Bill, Receipt, Account or Bargain soe given Notice of in Evidence, and if it shall happen that the Defendant hath fully paid or satisfied the Debt or sum demanded, The Jury shall find for the Defendant and Judgment shall be Entred, That the plaintiff shall take nothing by his Writ, and shall pay the Costs. And if it shall appear that any part of the sum demanded is paid, then so much as is found to be paid shall be Discounted, and the Plaintiff shall have Judgment for the Residue, only with Costs, of Suit. But if it appear to the Jury that the Plaintiff is over paid, then they shall give in their Verd'ct for the Defendant and withal Certify to the Court how much They find the Plaintiff to be indebted or in arrear to the Defendant more than will answer the Debt or sum demanded and the Sum or Sums so certify'd shall be Recorded, with the Verdict, and shall be deemed as a Debt of Record; and if the Plaintiff refuse to pay the same, the Defendant for Recovery thereof shall have a scire facias against the Plaintiff in the said Action, and have Execution for the same with the Costs of that Action, any Law usage or Custom to the contrary in any wise Notwithstanding.

[CHAPTER 282.]

[Chapter 282, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1715 ed., p. 199. Title only is printed in Baskett, p. 201. Expired, September 4, 1716. Revived by chapter 335.]

An Act for Encouraging the Indian trade at Albany.

[Passed, September 4, 1714.]

Whereas great Endeavours have, from time to time, been used by her Majesties Governours and Commanders in Chief of this Colony to settle a Trade and to have Commerce with such Indian Nations as live beyond our five Confederated Nations, which in Process of time might not only be very Advantagious, but also of great Security to the Fronteers of this Colony at and near Albany, in time of War; And several of the said Indians being lately come to the City of Albany, in order to Trade with the Inhabitants thereof, but severall Private Persons, not Regarding the Safety of this Colony, but only Designing their own Private Lucre, have and do daily use many Indirect means to Engross the said Trade into their hands, by their Contrivance with those who are Employed by the said Indians to carry them in their Waggons to Albany, and having once gotten the Peltry, Beavers; or other furrs of the said Indians, in their Possession, hinder them to make the best of their Market, to the Ruine of the said Trade, and the alienation of the affections of the said Indians from this Colony, and instead of securing the friendship of the said Indians, will, if not prevented, cause them to be our Enemies, for the preventing whereof, and that the said Trade may be fairly managed to the best Advantage and Security of this Colony, BE IT Enacted by his Excellency the Governour, and Council, and Assembly, and it is hereby Enacted by the Authority of the same, That No person or persons who shall at any time or times hereafter be Imployed by the said Indians to carry them, or any of their Wives or Children, their Peltry, Beavers or other Furrs in his or their Waggons, from any place in the County of Albany, shall not bring them or either of them, or their said Effects, any nigher to the said City, than the Limitts or Bounds of the same Extend to the South or Northward, and on the Westward, no less than Six hundred Yards distance from the stockadoes of the said City, upon pain of forfeiting the sum of five Pounds Lawfull Money of New-York, for every Indian, Male or female, or any of

their said Effects so carryed in his or their Waggons, contrary to this Act, to be recovered in the Mayors Court of the said City of Albany, by Bill, Plaint or Information, wherein no Essoyn, Protection, wager of Law, or any more than one Imparlance shall be admitted or allowed.

And be it further Enacted by the Authority aforesaid, That if any Person or Persons within the said City of Albany shall at any time or times hereafter suffer any of the said Indians, or their Peltry, Beavers or other Furrs, to remain in his or their houses, Ware-houses or shops after sun set, or at any other time of the night, Every Person or Persons so offending shall for every Indian, or his or their Effects so found there, after the time aforesaid, forfeit the sum of thirty shillings Current Money aforesaid, to be recovered before the Mayor, Recorder or any of the Aldermen of the said City.

And be it further Enacted by the Authority aforesaid, That it shall and may be Lawfull for the high-sheriff of the said City & County, or his Deputy or Deputys, at any time before the hour of Ten at night, to search the houses, Ware-houses or shops of such Person or Persons, within the City aforesaid, where such Indian or Indians are suspected to be, remain, or are Entertained after the time aforesaid, and finding any such Indian or Indians there, or their Peltry, Beavers, or other furrs, to order the Master or Mistress of the said house, Ware-house or shop, to turn the said Indian or Indians, & their Effects aforesaid, out of Doors which if he or she shall Refuse or neglect immediately to do and perform, such Person or Persons shall forfeit for every such Offence, over and above the thirty shillings before mentioned to be paid for Entertaining or suffering any of the said Indians in their houses, Ware-houses or shops after sunset, as aforesaid, the sum of Five Pounds Current Money aforesaid, to be recovered in the Mayors Court at Albany aforesaid, in manner aforesaid.

And for the preventing the abuses which of late have been put upon the said Indians by Persons who having got any Peltry Beaver or other furrs belonging to the said Indians, or any of them, in his or their Possession, constrain them to trade with them on their own terms, and the said Indian or Indians for want of Lawfull Evidence, not being able to prove that his, her or their goods are soe detained from them or any of them.

Be it Enacted by the Authority aforesaid, That upon Complaint made by the said Indian or Indians, so abused, as aforesaid to the Mayor, Recorder or any of the Aldermen of the City afore

said, of any Person or Persons refusing to deliver unto them, or any of them, their or either of their Peltry, Beaver or other furrs, which they may have brought into the houses, Warehouses or shops, or otherwise are come to the Possession of ye Person or Persons complained of, whereby he or they are debarr'd from having the free Disposition thereof, that it shall and may be Lawfull to and for the said Mayor, Recorder or Aldermen to whom such Complaint shall be made, to cause such Person or Persons to be summoned and brought before him, to be Examined of upon or Concerning the Premises, and upon his or their denying of having any Peltry, Beaver or other furrs belonging to the Complainant or Complainants, the said Mayor, Recorder or Alderman is and are hereby impowered to Administer an Oath to the Person or Persons so denying to have any of the Goods aforesaid, belonging to the Complainant or Complainants, in his, her or their Possession, to make true and direct answer to the matter of the Complaint aforesaid; and every such Person or Persons refusing to take the said Oath, in manner aforesaid, shall forfeit the sum of five Pounds Lawfull Money aforesaid, to be recovered in the Mayor's Court aforesaid, in manner aforesaid (which said sum is to be applyed for the Defraying the Necessary Charge of the said City) and make such further satisfaction to the party grieved, as by the said Court shall be directed and appointed.

And be it further Enacted by the Authority aforesaid, That if any Person or Persons within the City and County of Albany, shall, and do at any time or times hereafter, buy or trade with any Christian or Christians, Indian or Indians, any Deer, Buck or Doe-Skins in the hair, that are not in season, or having flesh, bones or Claws on them, shall forfeit for every such skin so bought or traded for, the sum of five shillings Current Money aforesaid, to be recovered before the Mayor, Recorder or any of the Aldermen of the City aforesaid, who are hereby further directed to cause every such Skin & Skins to be publickly burned.

And be it further Enacted by the Authority aforesaid, That the Mayor & Aldermen of the said City do on or before the first day of January next Ensuing ye Date hereof, appoint a good and sufficient person to Visit, Survey and Inspect all Deer, Buck and Doe-skins as shall be Exposed to sale by any Christian in the said City, or offered to be ship'd off, with Power to seize all such Skins as aforesaid, that are not in season, or have flesh, bones or Claws on them, and deliver them to the Mayor, Recorder, or any of the Aldermen aforesaid, in order to be burned; and

the person or persons so Exposing them to be sold, or offering to ship them off, to be fined for every such Skin by the said Mayor, Recorder or aldermen, the sum of five shillings Current Money aforesaid; And the said Mayor, Recorder and alderman are hereby fully Impowered to appoint such reasonable fees to the said Person so by them to be appointed, for his trouble and pains, as they in their Discretion shall think fit.

And be it further Enacted by the Authority aforesaid, That no Deer, Buck or Doe-skins in the hair shall be transported by land or Water out of the said City and County, before they have been surveyed and Inspected by the Person thereunto to be appointed, as aforesaid, on the Penalty of five Pounds Current Money aforesaid, to be paid by the party that shall cause the same to be transported contrary to this Act, to be recovered in the Mayor's Court aforesaid, in manner aforesaid.

And be it further Enacted by the Authority aforesaid, That if any Master of any Sloop, Boat or Cannow shall receive or take on board his said Vessell any Deer, Buck or Doe-skins, as aforesaid, without a Certificate from the Person so appointed to Survey the same, that they have been duly surveyed by him, Every such Master and Masters shall forfeit for every such offence the sum of five Pounds Lawful Money aforesaid, to be recovered in the Mayors Court aforesaid, in manner aforesaid.

And be it further Enacted by the Authority aforesaid, That it shall and may be Lawful to and for the said Mayor, Recorder or any of the Aldermen of the said City, upon Complaint to them or any of them made, or upon suspicion that such skins, as aforesaid are shipped on board any Vessel for Transporting the same out of the said City and County, by Warrant under his hand and seal, to order and Direct the person so appointed to Survey the same, to go on board of any Vessel, and search for such skins, and upon finding any of them on board such Vessel, for which no Certificate has been obtained, in manner aforesaid, to cause them to be seized and brought on shore to the said Mayor, Recorder, or any of the Aldermen aforesaid, and the owner of the said Skins shall forfeit the same, with Double the Value thereof, to be recovered in the Court aforesaid, in manner aforesaid.

And be it further Enacted by the Authority aforesaid, That all the Fines and Forfeitures arising by this Act not herein particularly disposed of, are by the said Mayor, Recorder and Aldermen to be disposed of, for the use of the said City, for and towards the defraying the Necessary Charges thereof, and the

other half to the Informer, any Law, Usage or Custome to the Contrary hereof in any wise Notwithstanding. This Act to Continue for and During the space of two Years, and no Longer.

[CHAPTER 283.]

[Chapter 283, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1715, ed., p. 196; Baskett, p. 199. Expired, December 24, 1721. Provided by chapter 414.]

An Act for Regulating Fences for the several Citys and Countys within this Colony.

[Passed, September 4, 1714.]

Whereas the Respective Citys and Countys within this Colony of New York are so Circumstanced as to have Different and Distinct Ways in the Improvement, Tillage & Pasturage of their Lands, Gardens, Orchards and Meadows, and that it is altogether Necessary that the said respective Citys and Countys may be made Capable in the Law to make Prudential Rules, Orders and Directions for the Making, amending and Maintaining their Customary Circular, and Pertition Fences.

Be it therefore Enacted by his Excellency the Governour, Councill and General Assembly, and by the Authority of the same, That the Freeholders and Tenants in Possession of every town mannor & Precinct within each City and County within this Colony, are hereby Impowered annually, after the Publication of this Act, to meet and Assemble themselves together, at such times and places as shall be appointed and Directed under the hands and seals of any two of her Majesties Justices of the Peace, one whereof to be of the Quorum, in which meetings the said Free-holders and Tenants in Possession, are by this Act Impowered, by the Majority of Votes, to make and Establish such Prudential Orders, Rules and Directions for the making, Maintaining and Amending of their Accustomary Partition and Circular Fences for their Lands, Gardens, Orchards and Meadows, as they shall judge most Proper and Convenient, which Orders, Rules and Directions, so made as aforesaid, being Entered upon the Publick Records of such City, Town or County, shall remain and be of full force until the several and Respective Free-holders and Tenants in Possession shall think fit, by the like Majority of Votes, to alter all or any part of the aforesaid Orders, Rules and Directions, so made as aforesaid, which Alteration & Alterations, from time to time, being Likewise Entered upon Record, as aforesaid; shall Continue and Remain in full force until the same be New made and Altered, as aforesaid.

And whereas the Free-holders and Tenants in Possession in some of the Citys and Countys of this Colony, are Accustomed to make Circular fences, for the Surrounding their Land and Meadows which they Manure, Either in Tillage or Pasturage, by which means great Quantitys of Lands and Meadows are Surrounded by the said Circular Fence, and those who are in the Middle of said Lands and Meadows, have their Fields secured by the said Fence, without Contributing their Proportion of the Charge of the said Fence, To the end the same may be remedied for the future,

Be it further Enacted by the same Authority, That if any Lands or Meadows shall lye within any Circular fence, except where any Town within this Colony have already agreed to the Contrary, the Owner or Possessor thereof shall in Proportion to the Quantity of Land and Meadow they have within the said fence, Pay and Contribute to the making and Maintaining the said Fence. And if any Person or Persons shall Deny, Neglect or Refuse to pay, make and Maintain, or Contribute his or their Proportion of the said Circular Fence, as aforesaid, then it shall and may be Lawful for any Justice of the Peace of said County, Residing near where such Default shall happen, upon View of the said Defect, to assess the Proportion of the said Fence, as aforesaid, and Levy the same, by Warrant under his hand and seal, directed to the Constable of the Precinct where such Default shall happen, upon the Goods and Chattels of him or them who shall so have Land and Meadows within the said Circular Fence, and shall nor will not make, Contribute or pay towards making the same, to be applyed to the making of the said Circular fence, Returning the Overplus, if any be, the Charge of Distress and sale being first Deducted.

And be it further Enacted by the Authority aforesaid, That where any Person or Persons already have, or hereafter shall set his or their fence in the Partition Line, on Lands and Meadows between him or them, his or their Neighbour or Neighbours, they shall make and Maintain the Division-fence Equally between them; and if either of them Refuse or Neglect so to do, then the other may make and repair the said Division Fence wholly, and shall Recover the Charges of the Party or Parties Refusing, by Action of Debt, if above forty shillings, in any Court of Record, if under forty shillings, before one of her Majesties Justices of the peace, as the same shall be valued by the Over-seers of the Fences, appointed by this Act, and said Charge so Valued, as aforesaid, shall be Levyed on the Goods and Chattels of the Party or Partys so Refusing, as aforesaid; if above forty shillings, with the Cost of Suit, by Execution Directed to the Sheriff; if under forty shillings, by Warrant under the hand and Seal of one of her

Majestys Justices of the Peace, directed to the Constable, Returning the Overplus, if any be.

And be it further Enacted by the same Authority, That the severall and Respective Free-holders and Tenants in Possession, at the times of their Annual Meetings, as by this Act is Directed, are hereby Impowered to make Choice of two sufficient Persons to be Viewers, Over-seers and Judges of all and every the Respective Fences within each City, Town, Mannor and Precinct, for the Ensuing Year; and all or any of the Over-seers and Viewers of Fences, so Chosen, as aforesaid, that shall Deny or Refuse to perform the Duties and services incumbent by him or them to be done, Pursuant to the true Intent and Meaning of this Act, all and every such Person or Persons so Denying and Refusing, shall forfeit and pay the sum of five Pounds Current Money of this Colony, to be recovered in the Court of Common-Pleas in the City or County where the Refusal and Denial shall happen to be made, and apply'd to the Defraying the Publick Charge of the said City and County Respectively.

And be it further Enacted, that it shall and may be lawfull for the Mayors, Aldermen and Commonalty of the Citys and Countys of New-York and Albany, for the time being, in Common Council Conven'd, to make such further Orders, Rules and Directions, for the making, Amending, and Maintaining the Partition Fences between the Freeholders and Tenants in Possession, of the several and respective Lotts, Gardens and Orchards, within their several and Respective Jurisdictions, as they shall Judge most Proper and Convenient, and to lay such Fines, Forfeitures and Amersements on the Person or Persons Denying, Neglecting or Refusing to obey such Orders, Rules and Directions so to be made by them Respectively, as aforesaid, as they shall think fit, and to Amend and alter the same from time to time.

And be it further Enacted by the Authority aforesaid, That all acts of General Assembly formerly made within this colony, for such part as Relates to Fences, be and are hereby Repealed, and every Clause and Article therein Contained, to all Intents, Constructions and Purposes.

Provided always, and be it further Enacted by the Authority aforesaid, That the Height of the out-side Fences for the County of West-Chester, shall be four foot and four Inches, and not under, and the height of the Partition Fences four foot, & not under, as also, that the Height of both out-side and in-side fences for Queens county shall be four foot, and not under.

This Act to remain in force during the time of seven Years, and no Longer.

[CHAPTER 284.]

[Chapter 284, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1715 ed., p. 193. Title only is printed in Baskett, p. 198. Continued by chapter 301.]

An Act for appointing Commissioners to let to farm the Excise throughout this Colony.

[Passed, September 4, 1714.]

Whereas by an Act of the General Assembly of this Colony made in the Twelfth Year of Her Majesties Reign Entituled an Act for laying an Excise on all Strong Liquors retailed in this Colony it is amongst other things Enacted. That there shall be given and Granted unto Her Majesty Her Heirs and Successors from the first Day of November in the Year of Our Lord Seventeen hundred and Fourteen until the first Day of November which shall be in the Year of Our Lord Seventeen hundred and Thirty four for the Uses in the said Act mentioned and Expres'd an Excise upon all strong Liquors retailed throughout this Colony under the Quantity of five Gallons (Beer and Cyder only Excepted) to wit, the eighth Part of an Ounce of Sevil Pillar or Mexico Plate for every Gallon so Retailed and likewise three Quarters of an Ounce of ye said Plate for every Barrel of Beer and Syder to the end therefore That the said Duty of Excise may be orderly Collected and Managed to the best Advantage for and towards the uses in the said act Expres'd.

Be it Enacted by the Governour Council and General Assembly and by the Authority of the same That the Persons herein after Named shall be and are hereby appointed Commissioners for the Year Ensuing to let the said Excise to farm throughout the Respective Citys and Countys of this Colony for which they shall be Named that is to say.

For the City and County of New York John Cruger Esqr and Mr. Phillip Schuyler.

For the City and County of Albany Philip Livingstone and David Schuyler Esqrs.

For the County of Suffolk Mr. Andrew Gibb

For Queens County Major Isaac Hicks Esqr

For Kings County Collo Richard Stilwell Esqr

For the County of Westchester Capt. Joseph Budd

For the County of Ulster Major Johannis Hardenbergh and Mr. Johannis Rutsen.

For Dutchess County Capt. Leendert Lewis

For the County of Richmond Abraham Lakeman Esqr

For the County of Orange Capt. John Corbitt

And be it further Enacted by the Authority aforesaid That the said Commissioners respectively for the Citys or Countys for which they are Named are hereby required authorized and Impowered to let to Farm the Aforesaid Excise in their Respective Citys and Countys to the several Retailers of strong Liquors dwelling within the same on the first Tuesday in October or at any time thereafter for such sum or sums of Money as the said Commissioners respectively in their Discretions shall think fit for the better advancement of the Duty and Excise granted by the said Act Publick Notice being first given of the time such farming is appointed to be made by affixing advertisements thereof in the most Puklick places in each respective City Town Mannor and Precinct Ten Days at least before the time the same is to be farmed as aforesaid, and the said Commissioners are hereby required to take good Securitys by Recognizances with sufficient Sureties of all and every Person or Persons that shall farm the same as aforesaid which each Respective Commissioner is hereby Impowered to take with Condition That they pay the same quarterly by equal and even payments into the hands of the Respective Commissioners that shall let the same who are hereby appointed to receive the same and also after two Months after the same excise or any part thereof shall be let to farm or agreed for to Transmit to the Treasurer of this Colony a true Account of the sum and sums the same has been let to farm for according to the Intent of this Act.

And be it further Enacted by the Authority aforesaid That it shall and may be Lawful to and for the said Commissioners respectively to Examine upon Oath every Retailer they shall respectively agree with for the Excise aforesaid what they paid for the same formerly

And be it further Enacted by the Authority aforesaid That it shall and may be Lawful to and for the said Commissioners Respectively and they are hereby required and Impowered to Sue all and every such Retailer and Retailers their Surety and Suretys that shall not duly pay the sum and sums of Money he she or they have agreed for to pay for the Excise aforesaid at the time and times in their several Recognizances Mentioned and Express'd before any three of Her Majesties Justices of the peace

one whereof to be of the Quorum of the City or County where such Retailer or Retailers do Reside, who are hereby Authorized and Impowered to make out Process against such Retailer or Retailers and finally to hear and Determine the same and Award Execution upon his her or their Recognizance or Recognizances against the Goods and Chattels Lands and Tenements of the said Retailer or Retailers his her and their Surety and Suretys any Law Usage or Custom to the Contrary hereof in any wise Notwithstanding.

And be it further Enacted by the Authority aforesaid That the said Commissioners and every of them do enter into Bond or Recognizance to Her Majesty her heirs and Successors at or before the first Day of October next with sufficient Suretys to be approved of at least by two of Her Majesties Justices of the Peace of each Respective City and County within this Colony.

For the City and County of New York the sum of Twelve hundred Pounds.

For the City and County of Albany the sum of two hundred Pounds.

For the County of Ulster the sum of Sixty Pounds

For Dutches County the sum of Twenty Pounds

For Orange County the sum of Twenty Pounds

For Westchester County the sum of sixty Pounds.

For the County of Richmond the sum of Sixty Pounds

For Kings County the sum of sixty Pounds.

For Queens County the sum of One hundred & Fifty Pounds

And for Suffolk County the sum of one hundred and Fifty Pounds, with Condition That they pay Quarterly by even and equal Payments into the hands of the Treasurer of this Colony for the time being who is hereby appointed to receive the same all such sum and sums of Money as They shall have respectively received for the Excise aforesaid within Thirty Days after the same is come Respectively to their or either of their hands together with an Exact Account of what is not by them received and for which they have put the Recognizances in Suit if any there be, which when recovered they are forthwith to pay into the Treasurer in manner aforesaid.

And be it further Enacted by the Authority aforesaid That the said Commissioners and every of them shall and may retain in his and their hands out of the Moneys arising by the said Duty and Excise for their trouble and services the sum and sums herein after mentioned and Express'd that is to say.

The Commissioners for the City and County of New York the sum of seven and a half P. Cento.

The Commissioners for the City and County of Albany the sum of seven and a half P. Cento.

The Commissioner for the County of Suffolk the sum of ten P. Cento.

The Commissioner for Queens County the sum of ten P. Cento.

The Commissioner for Kings County the sum of ten P. Cento

The Commissioner for the County of Westchester the sum of ten P. Cento

The Commissioner for the County of Ulster the sum of ten P. cento

The Commissioner for Dutchess County the sum of ten P. cento

The Commissioner for the County of Richmond the sum of ten P. cento

The Commissioner for the County of Orange the sum of ten P. cento.

And be it further Enacted by the Authority aforesaid That upon the Publication of this Act all and singular the Powers and Authoritys heretofore Granted to the Mayor and Aldermen of the City of New York, the Mayor and Aldermen of the City of Albany the Mayor and Aldermen of the borough Town of Westchester and the Justices of the Peace of the other Countys of this Colony for the letting the Excise to farm in and by the aforementioned Act of Assembly made in the Twelfth Year of Her Majesties Reign Entituled an Act for laying an Excise on all strong Liquors retailed in this Colony shall cease and Determine and become absolute Void and all the Articles and Clauses in the said Act contained so far as they relate to the Powers therein and thereby given and Granted to the said Mayors Aldermen and Justices of the Peace for the letting the Excise to Farm are hereby to all Intents and Purposes repealed and declared Null and Void The said act or any other Law Usage or Custome to the contrary hereof in any wise Notwithstanding.

And be it further Enacted by the Authority aforesaid That if any of the Respective Commissioners Appointed by this Act shall Dye Deny or Refuse to serve then it shall and may be Lawful for The Mayors & Aldermen within the Citys of New York, and Albany and the Justices of the peace in the Severall Countys within this Colony or the Major part of them under their hands and Seals to Appoint other Commissioners in their Stead and the Commissioners soe appointed shall have the Same power and Authority as the Commissioners hereinbefore appointed until the Governour Councill and Assembly shall either Confirm them or appoint others.

[CHAPTER 285.]

[Chapter 285, of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Bradford, 1715 ed., p. 206. Printed in full in Baskett, p. 195. Expired, September 4, 1721.]

An Act to Entitle Garret De Graeuw and his Assigns to the Fishery of Porpoises during the Term of seven Years.

[Passed, September 4, 1714.]

Whereas the Fishery of Porpoises and other Fishes of that Nature will tend to the benefit of Trade in this Colony, and add to the facilitating the returns of the same; And Whereas Garret De Graeuw in his Petition presented to the General Assembly has set forth, That by certain New Inventions by him found out he has perfectly enabled himself and is actually ready to the sure and successfull carrying on the said Fishery, humbly praying, That, in regard of his peculiar Industry and great Charge, It may be Enacted in his Favour and for his Encouragement That none but the said Garret De Graeuw his Executors Administrators and Assigns shall be permitted to carry on the said Fishery by the same Inventions for a certain Term of Years.

Be it enacted by his Excellency the Governour, the Council and General Assembly, and by the Authority of the same, That no person or persons whatsoever, from and after the Publication of this Act, shall undertake or presume to carry on the Fishery of Porpoises and other Fishes of that Nature by the said Inventions in the seas, Harbours, Rivers and other Waters within this Colony, for and during the Term of seven Years, but the said Garret De Graeuw his Executors Administrators and Assigns, to whom only the sole benefit, profit and Advantage arising from the said Fishery by the said Inventions shall belong and appertain. Saveing nevertheless the Right of her Majesty her heirs and Successors.

And be it further Enacted by the said Authority, That if any person or persons, from and after the Publication of this Act, shall undertake or carry on the said Fishery, by the Inventions of the said Garret De Graeuw contrary to and Frustrating the true intent and meaning of this Act, he or They shall forfeit and pay the sum of one hundred Pounds Current Money of this Colony of New York to be recovered in any Court of Justice within this Colony by Action of Debt, one half thereof to her Majesty

her Heirs and Successors, and the other half to the said Garret De Graew his Executors Administrators or Assigns who shall sue for and recover the same

And be it further Enacted by the Authority aforesaid, That in Case the said Garret De Graeuw, his Executors Administrators or Assigns, do not within the time of Twelve Months from the publication hereof putt his said Inventions in Effectual Practice and execution then it shall and may be lawful for any other person or persons to undertake and carry on the said Fishery, without incurring the penalty mentioned in this Act, any thing contained in this Act to the Contrary hereof in any wise Notwithstanding.

[CHAPTER 286.]

[Chapter 286, of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Bradford, 1715 ed., p. 206; Baskett, p. 195.]

An Act for the Treasurers paying the Moneys therein mentioned.

[Passed, September 4, 1714.]

BE IT Enacted by the Governour Council and Assembly and by the Authority of the Same, That the Treasurer of this Colony Doe, out of the publique Money now in or that shall hereafter come into his hands, pay unto Roger Mompesson Esqr his Executors Administrators or Assigns the Sum or Quantity of Nine hundred Seventy five Ounces of Sevill Pillar or Mexico plate for his Services done to this Colony for three Years, ending the thirteenth Day of June last past in this present Year of Our Lord One thousand seven hundred, and thirteen; And that the Receipt or Receipts of the said Roger Mompesson his Executors or Administrators or Assigns to the said Treasurer shall be a sufficient discharge unto him for the Same.

[CHAPTER 287.]

[Chapter 287, of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Bradford, 1715 ed., p. 206; Baskett, p. 195.]

An Act for the Treasurers paying the Arrears Due to the Clerk, and Door-keepers to the General Assembly of this Colony, And Paying the printers Salary.

[Passed, September 4, 1714.]

Be it Enacted by His Excellency the Governour Council and General Assembly, and IT IS hereby Enacted by the Authority of the

Same, That the Treasurer of this Colony for the time being shall and is hereby required and directed to pay in good plate of Sevill, Pillar and Mexico, or Dollars and half Dollars equal to the Value of thirteen pennyweight and eighteen Grains each Dollar, or Value in Bills of Credit of this Colony, out of any publick Money that is or shall come into his hands, to Gabriel Ludlow Clerk to the Assembly, the Widow of William Churchill late Doorkeeper, and Cornelius Post the present Doorkeeper to the Assembly, such Sum and Sums of Money respectively as shall appear under the hand of the Speaker of the said Assembly for the time being, to be due to the Persons aforesaid. The Receipts of which said several & respective persons their executors or Assigns, shall be to the Treasurer of this Colony a sufficient discharge for so much as any of the said persons shall receive of the same.

AND BE IT further Enacted by the Authority aforesaid, That the said Treasurer shall likewise pay unto William Bradford, his Executors or Assigns, the Sum of four hundred and twenty-five Ounces of good plate for three Years Salary, ending the thirteenth Day of June Anno one thousand seven hundred and thirteen, And the Sum of One hundred Ounces of plate for Printing the Bills of Credit made Current in this Colony in the Tenth Year of Her Majesty's Reign. And the Sum of fifty five Ounces of good plate for two and twenty books of Acts of Assembly delivered by Order of the House of General Assembly of this Colony. And The Receipts of the said William Bradford his Executors or Assigns for the several and respective Sums shall be to the said Treasurer a sufficient Discharge.

[CHAPTER 288.]

[No law is inserted under this chapter number. This chapter number is omitted from Livingston & Smith, apparently by mistake of the printer, and is merely inserted here in order to preserve uniformity of numbering in conformity therewith.]

[CHAPTER 289.]

[Chapter 289, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1715 ed., p. 203; Baskett, p. 196. Livingston & Smith and Van Schaack, state that the act was repealed by the King, January 20, 1721.]

An Act for shortening of Law Suits, and Regulating the Practice of the Law.

[Passed, September 4, 1714.]

Be it Enacted by Governour, Council and General Assembly, And it is hereby Enacted by the Authority of the same, That

every Person on whom a Capias is served by the Sheriff, or other Proper Officer, shall enter his Appearance at the Court to which the said Capias is Returnable, or give in Special Bail to the Action, as the Law and Nature of the Cause requires; and in case such Person do's Neglect or Refuse to enter such Appearance, or give such Special Bail, as aforesaid, the Bail Bond shall be Assigned, unless the Court do's think fit to allow a further time for the putting in of special Bail, which They may do at their Discretion; Always Provided, such time shall not exceed the Term of Twenty Days in the Supreme Court, and Ten Days in the Inferiour Courts.

And be it Enacted by the Authority aforesaid, That every Plaintiff shall File his Declaration in the Clerks Office during the sitting of the Court, to which such Capais is Returnable; or in case time is allowed by the Court, at or before the Expiration of such time so allowed, and shall give Oyer of the Specialties or other Instruments mentioned in the said Declaration, together with Copies of the same, to the Defendant or his Attorney, or leave them in the Clerks Office, on Penalty of being Non-suited, in Case the Plaintiff or his Attorney neglect to do the same.

And every Defendant shall File his Plea in the Clerks Office, and give Oyer of such Instruments as are mentioned in ye said Plea, together with Copies of the same to the Plaintiff or his Attorney, or to the Clerk of the Court in which the Declaration is filed, within such time as is hereafter Directed, That is to say, to the Clerk of the Supream Court within Ten Days after such Declaration is filed, and to the Clerk of any Inferiour Courts of common Pleas, within Twenty Days after the Declaration is filed, and if the Defendant shall Neglect or refuse to enter his said Plea within the times by this Act directed and appointed: That then and in such Case, Judgment shall be enter'd against him for such his Default.

And if it so happen y't Replications or Rejoynders are Necessary to be made, such Replication shall be filed by the Plaintiff in the Clerks Office of the Supream Court, within twenty Days after the time appointed by this Act for filing the Plea, and in the Clerks Office of any of the Inferiour Courts of Common Pleas, within twenty Days after the time appointed by this Act for filing the said Pleas or be non suited. And the Rejoynder shall be filed by the Defendant in the Clerks Office of the Supream Court within twenty Days after the time appointed by this Act, for filing the Replication and in the Clerks Office of any of the Infer-

iour Courts of common Pleas within twenty Days after the time appointed by this Act for Filing the said Replication, and if the Defendant Neglect or Refuse to file such Rejoynder within the time prescribed by this Act, then Judgment shall be enter'd against the said Defendant so Neglecting, for such his Default; and where further pleadings are not Necessary, Issue shall be Joyned, and the case tryed the next Court after that to which the Capias was returned; and where further Pleadings are Necessary, the time of such Pleadings shall be appointed by the next Court following.

And be it further Enacted by the Authority aforesaid, That the Plaintiff shall come to Tryall the next Court after Issue Joyned, or be Non suited, unless the Court see cause to the contrary; And if the Defendant do's not appear upon the Tryal, the Plaintiff shall Proceed in his Default.

Provided always and it is hereby further Enacted by the Authority aforesaid, That in case of a Nonsuit, or Judgment by Default, no Execution shall Issue thereupon till after the next Court following such Non suit or Judgment by Default.

And be it Enacted by the Authority aforesaid, That every Person desiring the same, shall be permitted and allowed to enter Appearance, and plead his own cause or causes himself, or by his Attorney or by both, in any Court of Record within this Colony.

And be it Enacted by the Authority aforesaid That all Process shall be sealed by the Respective Clerk of each Court of Record within this Colony, and ye Writs of Capias shall be signed underneath on the right hand by the Clerk, and on the left by the Plaintiff or his Attorney, otherwise the Writ shall abate.

And be it Enacted by the Authority aforesaid, That every Attorney on filing a Declaration or Plea in any Cause, shall enter his Warrant of Attorney, and leave a Coppy thereof in the Clerks Office, under the Penalty of paying all the Costs, And the Action shall Discontinue. And every Attorney having undertaken, or that shall undertake to Plead a Cause or Causes, shall manage the same, until it be fully Determined (unless Discharged by his Imployer) under the Penalty of paying all the Cost and Damage that shall be sustained by his Imployer or Imployers, if the cause shall happen to Miscarry through his Default, to be recovered by such as shall be agrieved, from such Attorney or Attorneys by Action of Debt in any Court of Record within this Colony.

And be it Enacted by the Authority aforesaid, That when any Nonresident of the County where the Action shall be brought, shall

take out a Writ of Capais against an Inhabitant, he shall give bond unto ye Defendant, with Security dwelling in the said County, in the Penalty of ten Pounds upon Condition to pay the Costs if Cast Non suited, Discontinue or withdraw his Suit without Consent of the Defendant, which Bond shall be left with the Clerk of that Court in which the Action is commenced. And when any Non resident of this Province shall take out a Writ or Capais against any Person within this Province, He shall give Bond unto the Defendant, with Security, dwelling in the said Province, in the Penalty of Ten Pound upon condition to pay the Cost if Cast, None suited, Discontinue or withdraw his suit without the Consent of the Defendant which Bond shall be left with the Clerk of the Court in which the Action is Commenced. And any Clerk Neglecting to take such security, shall pay the Defendants Costs, to be recovered, as aforesaid. And in all Actions above the Value of Ten Pounds, the Defendant shall give special Bail, if required, except in Actions of Slander, Quare Clausum freigit, Assault and Battery, unless it be otherwise ordered by the Court.

And be it Enacted by the Authority aforesaid, That no Person or Persons whatsoever, after Publication hereof, shall Commence, sue or Prosecute any Suit or Action whatsoever, in ye Supream Court of Judicature of this Colony, wherein the true and real cause of Action shall not exceed the sum of Twenty Pounds of Current Money of this Colony, over and above all the Costs and Charges of the Suit (Except where Titles of Land are any ways concerned) under the Penalty of paying to the Defendant all his Costs & Damages which shall Accrue by such Prosecutions to be recovered by Action of Debt in any of the Inferiour Courts of common Pleas within this Colony.

And be it further Enacted by the Authority aforesaid, That no Suit or Action Whatsoever (except where Titles of Land are concerned) shall be removed fror the Inferiour Courts of Common Pleas of any County within this Colony, by habeas Corpus, or any otherwise, unless by Writ of Error after Judgment given, except where the sum or value of the Suit or Action Commenced, as aforesaid, shall exceed the sum of Twenty Pounds, Current money aforesaid. And if any Person or Persons shall Remove, any Action contrary to the true intent and meaning of this Act, he she or they so offending shall pay to the party or parties injured all the Costs and Damages sustained by such Removal, to be recovered as aforesaid, any Law Custom, or Usage, to the contrary Notwithstanding.

And be it further Enacted by the Authority aforesaid, That if any Person or Persons shall bring a Writ of Error upon a Judgment obtained in any of the Inferiour Courts of Common Pleas, Return-

able to the Supream Court, such Person or Persons shall give Security, within ten days after the Writ of Error is brought, to prosecute his Writ of Error to Effect and to pay Double the Costs of the other party, if the Judgment given in the said Inferiour Courts shall be affirmed.

Provided always, That no Execution shall Issue upon such Judgment of the Court of Common Pleas, after the Plaintiff in Error hath given Notice to the Defendant, by showing him or his Attorney the said Writ, unless He shall Neglect to give in security as aforesaid.

And be it further Enacted by the Authority aforesaid, That all Process, Pleadings, Entries and Proceedings Whatsoever, in all the Courts of Judicature within this Colony shall be in the English Tongue.

THE SIXTEENTH ASSEMBLY.

First Session.

(Begun May 3, 1715, 1 George I; Robert Hunter, Governor.)

[CHAPTER 290.]

[Chapter 290, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1715 ed., p. 222; Baskett, p. 215. Expired, July 19, 1720, but provided for by chapter 552.]

An Act for Preserving of Oysters.

[Passed, May 19, 1715.]

Be it Enacted by the Governour Council & General Assembly & by the Authority of the same, That from & after the Publication of this Act, it shall not be Lawfull for any Person or Persons Whatsoever (Native free Indians only excepted) from & after the first day of May, until the first day of September Annually to gather, Rake, take up, or bring to the Market, any Oysters whatsoever, under the penalty of Twenty shillings for every Offence, to be recovered before any of His Mat'ys Justices of the Peace, who are hereby Authorized & required to hear & finally Determine the same, one half thereof to him, her or them, that shall prosecute the same to Effect, & the other half to the Poor of the place where the Offence shall be Comitted.

And be it further Enacted by the Authority aforesaid That it shall not be Lawfull for any Negro, Indian or Maletto Slave to Sell any Oysters in the City of New York at any time whatsoever, upon the Penalty of Twenty Shillings for every Offence to be paid by the Master or Mistress of Such Slave or Slaves, to be recovered and applyed as aforesaid. This Act to be in force from the Publication hereof During the term of five Yeares, & no Longer.

[CHAPTER 291.]

[Chapter 291, of Livingston & Smith, where the act is printed in full. Chapter 291 of Van Schaack, where the title only is printed. Printed in full in Bradford, 1715 ed., p. 236; Baskett, p. 203. See chapter 280.]

An Act for the better Explaining One Act of General Assembly past in the Year of Our Lord One thousand seven hundred and fourteen Entituled, An Act for paying and discharging the several Debts and Sums of Money Claimed as Debts of this Colony, to the Several Persons therein named; And to make and enforce the Currency of Bills of Credit, to the Value of Twenty seven thousand six hundred and eighty pounds for that Purpose. Also, to make void all Claims and Demands made or pretended to be due from this Colony before the first Day of June, One thousand seven hundred and fourteen And to prevent this Colony from being in Debt for the future.

[Passed, May 19, 1715.]

FOR the preventing and resolving all disputes, doubts and misconstructions that have been made, or may happen and arise, in, about or upon One Act of General Assembly, made and past in the Year of Our Lord One thousand seven hundred and fourteen, Entituled, An Act for paying and discharging the several Debts and Sums of Money Claimed as Debts of this Colony, to the Several persons therein named and to make and enforce the Currency of Bills of Credit to the Value of Twenty seven thousand six hundred and eighty Pounds for that purpose. Also, to make void all Claims and Demands made or pretended to be due from this Colony before the first Day of June, One thousand seven hundred and fourteen And to prevent this Colony from being in Debt for the future, BE IT Enacted by the Governour Council and General Assembly, And it is hereby Declared and Enacted by the Authority of the Same, That nothing in the said Act is meant or intended, or shall or may be construed to extend to hinder, barr or exclude any person or persons whatsoever, having any just Claim or Demand on this Colony, who at the Time of the making and passing One Act of General Assembly, made in the Eleventh Year of the Reign of Her late Majesty, Queen Anne, (of blessed

Memory) Entituled, An Act to appoint Commissioners to Examine and State the several Claims alleged as Debts of the Government, Or at the time of the making and passing The said Act of Assembly, Entituled, An Act for paying and discharging the Several Debts and Sums of Money Claimed as Debts of this Colony, & Was within the Age of Twenty one Years, Feme Covert, None compos Mentis, Imprisoned, or Beyond the Seas, BUT that all and every such person or persons, having any just Claim or Demand on this Colony, after their coming to, or being of full Age, Discovert, of Sane Memory, at Large, and returned from beyond the Seas, (or in Case of his, her or their remaining beyond the Seas, by his, her or their Attorney, Agent or Commissioner) Shall and lawfully may make and pursue any such their just Claim and Demand, and obtain and have such Remedy and Relief, as if the said Act of Assembly, Entituled, An Act for paying and discharging the Several Debts and Sums of Money Claimed as Debts of this Colony, &c., had never been made, Any thing in the same or any other Act of Assembly to the contrary hereof in any wise notwithstanding.

[CHAPTER 292.]

[Chapter 292, of Livingston & Smith, where the act is printed in full. Chapter 292, of Van Schaack, where the title only is printed. Printed in full in Bradford, 1715 ed., p. 207; Baskett, p. 204. Continued by chapter 393. See chapter 431.]

An Act for a Supply to be granted to his Majesty for supporting his Government in the province of New York & for Striking Bills of Credit for that Purpose.

[Passed, July 5, 1715.]

FOR the better defraying the publick and necessary Charges and Expenses of this his Majesties Government BE IT ENACTED by the Governour Council and General Assembly And it is hereby enacted by the Authority of the same That from and after the first day of July in this present year there be raised levyed Collected & paid the several and respective Dutys & Customs hereafter specifyed which are hereby given and Granted unto his Majesty his heirs and Successors for the space and Term of five years.

FOR every pipe of Wine that shall be imported into this Colony directly from the place of its Growth production or Manufacture the sum of seven Ounces and a half of plate of the Spanish Coins of Sevill pillar or Mexico or the value thereof in Lyon Dollars or half Dollars at thirteen pennyweight and eighteen Grains each Dollar or in Bills

of Credit Current in this Colony and so in proportion for all Greater & Smaller Quantitys imported as aforesaid.

FOR every pipe of Wine Imported from any other place then that of its Growth production or Manufacture the sum of fifteen Ounces of plate aforesaid and so in proportion for a greater or lesser Quantity.

FOR every Gallon of Rum Brandy or other Distill'd Liquors imported directly from the place of its production or manufacture the sum of fifteen Grains of plate aforesaid.

FOR every Gallon of Rum Brandy or other Distill'd Liquors not directly imported from the place of its production or Manufacture or imported in any vessel which has Traded Traffickqued or Broke Bulk in any other port or place after the same has been loaden on board here and before her coming into this Colony, the sum of thirty Grains of plate aforesaid Cases of Evident necessity only excepted.

FOR every hundred weight of Cocoa imported directly from the place of its Growth or from any Island part or place of the West Indies one Ounce of plate aforesaid

FOR every hundred weight of Cocoa not directly imported from the place of its Growth or from any Island part or place of the West Indies Two ounces of plate aforesaid

FOR all European Goods imported into this Colony from Boston twelve Ounces and an half of like plate for every hundred pounds value prime Cost & so in proportion for a greater or Smaller quantity

FOR all European Goods imported into this Colony from any other of his Majesties plantations Eighteen Ounces and three Quarters of plate aforesaid for every hundred pounds value prime Cost so imported & so in proportion for a Greater or smaller Quantity

FOR every Negro imported directly from Africa in Vessels wholly own'd by the Inhabitants of this Colony five Ounces of plate aforesaid and no Greater or other sum whatsoever any former or other Law to the contrary hereof in any wise Notwithstanding.

FOR every Negro or other Slave imported from the West Indies Twelve ounces and a half of plate aforesaid & no greater or other sum whatsoever any former Law to the contrary hereof notwithstanding

FOR the Tonnage of all Vessells trading into or out of this Colony the sum of seven penny weight and an half of plate aforesaid for each Ton and no Greater or other sum whatsoever Coasting Sloops belonging to the Massachusetts Rhode Island Connecticut or New Jersey whilst their Navigation is to & from those parts Ships directly from Great Britain Ships and other vessells built in this Colony or wholly owned by the Inhabitants thereof only excepted any former Law to the contrary notwithstanding

AND be it further Enacted by the Authority aforesaid that for the Effectuall collecting the aforesaid Duties imposed by this Act on the Tonnage of vessells & on Negroes in manner aforesaid the person or persons appointed or to be appointed for Collecting the same shall be invested with all & every the powers and Authoritys mentioned and Contained in an Act of General Assembly of this Colony past in the thirteenth year of her late Majestys reign Entituled an Act for levying & paying the several Duties therein mention'd for the use of this Colony and the said respective Dutys shall be Levyed Collected & paid under the same pains and penaltys Regulations Restrictions Conditions & forfeitures & in like manner and method as is prescribed and directed in and by the said Act any Law Custom or usage to the Contrary in any wise notwithstanding

AND be it further Enacted by the Authority aforesaid that all Bread & flower exported from this City of New York be brought to his Majestys Beam & weighed and that there be paid for weighing the same unto his Majesty his heirs and Successors the sum of ten Grains of plate aforesaid for every hundred weight so weighed. PROVIDED nevertheless that all & every person or persons inclinable to Transport any Bread or flower without weighing the same which they are hereby permitted to do shall be obliged before he or they ship the same to Deliver a Copy of his or their entry of said Bread or flower made by him or them in the Custom House to the weighmaster or his Deputy and at the same time pay unto the said Weighmaster or his Deputy for the use of his Majesty his heirs and Successors the sum of five Shillings for every sixteen half Barrells of flower & two shillings and six pence for every eight Barrells of Bread & so in proportion for a greater or smaller quantity. And that all Cocoa whether Imported or Exported be brought to the Beam aforesaid and weighed & that there be paid to his Majesty his heirs and Successors the sum of thirty Grains of plate aforesaid for every hundred weight of Cocoa so weighed & so in Proportion for any greater quantity, And be it further Enacted by the Authority aforesaid that for the better & more Regular collecting, & paying the rates and Dutys hereby given and Granted for the weighing the goods Wares & Merchandizes before mention'd All & every person & persons who shall Export from or Import into the City of New York any of the said Goods Wares and Merchandizes of the weight or Quantity aforesaid without weighing the same at

his Majestys Beam and answering & paying the rates and Dutys aforesaid shall forfeit & pay the sum of ten shillings for every hundred weight so imported or Exported as aforesaid contrary to the meaning of this Act without weighing the same at his Majestys Beam as aforesaid to be recovered before any one of his Majestys Justices of the Peace of the said City one half to his Majesty his heirs and Successours and the other half to him who shall prosecute or sue for the same and for the Due & orderly collecting the rates & Dutys before imposed on Wine Rum Brandy or other Distill'd Liquors and European Goods and Cocoa & for preventing frauds and Embezlements of those rates & Dutys BE IT further Enacted by the Authority aforesaid that the Master Mate or Purser of all and every Ship or Shipps Vessel or Vessells That shall come into any Creek port or Harbour within this province to Trade or Traffickque shall repair and Come to his Majestys Custom house and there make report of all such parcell or parcells of Goods Wares or Merchandizes as he or they hath or have on board his or their Ship or Ships Vessel or Vessells and also Declare upon Oath that he or they have not broke Bulk since his or their arrival within this province before he or they made such Report as aforesaid And all Merchants who have any Goods Wares or Merchandizes on board any such Ships or Vessells as aforesaid shall at the said Custom House make a true and Distinct entry of all and every such parcell or parcells of Goods Wares or Merchandize as he or they hath or have on board all or any and every such Ship or Ships Vessell or Vessells as aforesaid And if any Difference shall arise about the value of the European Goods so entred the Collector for the time being or his Deputy is hereby Authorized and required to administer an Oath to all and every such person or persons making such entry as aforesaid That the said entry is according to the Invoice or Invoices sent to him or them from the place or places from whence such goods or Merchandizes did come And if the Collector or his Deputy shall not rest Satisfyed therewith the Merchant or Merchants entring such European goods shall give proof upon Oath to the value of the same as near as may be and pay the Duties accordingly And be it further Enacted by the Authority aforesaid that if any Master Mate or purser of any Ship or Vessel whatsoever or any Merchant ffactor or other shall Break Bulk or land any Goods Wares or Merchandizes whatsoever before he or they make report & entry and pay or secure to be paid the Dutys

hereby imposed All the Goods so landed or taken from on board without or before report and entry made shall be forfeited one third part whereof to be to his Majesty his heirs and Successours to be apply'd to the Support of his Majestys Goverment in this Colony one third part to the Governour of this Colony for ye time being and the other third part to the person who shall sue for the same by Bill plaint or Information in any Court of Record within this Province where no Essoin Protection or Wager of Law shall be allowed.

AND be it further Enacted by the Authority aforesaid that all and every person & persons importing into this province any European Goods Cocoa Wine Rum Brandy or other Distilled liquors shall upon entring the same pay to his Majesty his heirs and Successours the Duties herein before given & granted thereon or well and Sufficiently secure the same to be paid as aforesaid within the Space of three months from the day of the entry thereof and if any person or persons shall refuse or Delay to pay or secure to be paid the said Duties that then and in such Case it shall and may be lawfull for the Collector to take and Detain the said European Goods Cocoa Wine Rum Brandy or other Distill'd Liquors for the space of three months or untill the Duty given by this Act is and shall be paid and Satisfyed and if the Dutys be not paid within the said Three months that then the Collector shall & may at the Expiration thereof expose to sale the Goods Wares and Merchandizes so detain'd returning to the Owners the Overplus if any be the Duties and Charges of the sale being first deducted.

PROVIDED always and it is hereby further Enacted that if the Owner or Importer of any Cocoa shall upon the Importation thereof enter into Bond to his Majesty with Sufficient surety in the penalty of twenty pounds for each Ton to export the same or any part thereof directly to Great Britain within the space of fifteen months from the time of its Importation That then and in such Case the Owner or Importer shall pay the afore mentioned Duty or Dutys for no greater or other Quantity then such as he shall not as aforesaid enter into Bond to Export in manner before mention'd And in case such Owner or Importer shall neglect or refuse to export the Quantity which he or they shall so as aforesaid Oblige themselves to Export in the time mention'd in the Bond that then he or they shall pay the aforesaid Dutys respectively given on the said Cocoa & be debarr'd from the benefitt

of any Drawback thereon tho' he should at any Time after Export it And to prevent any frauds or Abuses the Exporter of any Cocoa shall at the time of his Entring the same for Transportation make Oath That the same is all or such part of such a parcell or Quantity of Cocoa imported into this province at such a time in such a Vessell from such a place expressing the parcell or Quantity of Cocoa imported the time when the Vessells name & from what place or if the said Exporter shall have bought the Cocoa so by him entred for Exportation from any other person or persons in this province then he shall give proof by the person or persons from whom he bought the same or by the person or p'sons who Imported the same that the said Cocoa so by him entred for Exportation is all or such part of such a parcell or Quantity of Cocoa imported into this province at such a time in such a Vessell from such a place expressing the Quantity imported the time when the Vessells name & from what place as aforesaid AND BE it further Enacted by the Authority aforesaid That the several & respective Dutys hereby laid and given shall be paid to the Trea'r of this Colony for the time being who is hereby impowered to receive the same

AND be it further Enacted by the Authority aforesaid That upon the Importation of any European Goods Cocoa Rum Brandy or other Distill'd Liquors aforesaid the owner or Owners Importer or Importers thereof shall give to the said Trea'r a Copy of the entry of the respective Quantitys of the several Goods aforesaid so by him entred with the Collector and pay or secure to be paid for the same the Duties aforesaid and that upon such payment or Security given the said Treasurer shall give to the Importer or Owner aforesaid without ffee or reward a Certificate signifying that the Duty for such and such Quantitys of Goods Wares and Merchandizes as are by him Imported are paid or secured to be paid upon which Certificate the Collector shall p'mitt the Owner or Owners Importer or Importers to unload and land the said Goods Wares and Merchandizes and not otherwise.

AND BE IT FURTHER enacted by the Authority aforesaid y't ye afore mention'd Dutys on Negroes and the Tonnage of Vessells & the Dutys given for weighing at his Majesties Beam shall be paid to the Said Trea'r by the respective Officers appointed or to be appointed to collect & receive Those Duties when & so often as they shall be thereunto respectively required by the

said Trea'r whose receipt shall be a Sufficient discharge for the same

AND WHEREAS the Indian Nations are very much wavering in their faith & Allegiance to ye Crown His Majestys fforts & ffortifications in this province very much gone to Decay & the necessity of his Majestys Goverment in many Cases such as well and Do Demand a more speedy Supply then can from time to time come in by the Duties Given by this Act BE IT THEREFORE Enacted by the Authority aforesaid that Bills of Credit to the value of fifteen Thousand Ounces of plate shall be forthwith printed That is to say Two hundred Bills of twenty five Ounces of Plate or ten pounds value each two hundred Bills of twelve ounces and one half of plate or five pounds value each two hundred Bills of Ten Ounces of plate or four pounds value each two hundred Bills of five Ounces of plate or Two pounds value each One Thousand Bills of two Ounces and an half of plate or twenty shillings value each One Thousand Bills of one Ounce & a quarter of plate or ten shillings value each Twelve hundred Bills of twelve pennyweight and an half of plate or five shillings value each On which Bills shall be impressed on the left side of the said Bills about the Middle of the side the Arms of the City of New York & the said Bills shall be in Form following, vizt:

THIS INDENTED BILL OF Ounces of Plate or Due from the Colony of New York to the possessor thereof shall be in value Equal to money and shall be accepted accordingly by the Trea'r of this Colony for the time being in all publick payments & for any fond at any Time in the Treasury dated in New York the first day of July 1715 By order of the Governour Council & General Assembly. Which Bills shall be signed & Numbered by Robert Walter John Cruger David Provoost Junr and John Reade Esq'rs or any three of them and in Case of the Death removal or refusal of any of the said p'sons the said Bills shall be signed & numbered by the Major part of the persons abovementioned then alive Which Bills of Credit to be made & Issued by virtue of this Act shall be and Continue Current for and during the space & time of five years to be computed from the days of their respective Dates and shall be received & paid for the same value & be Equal to the Current Coin passing in this Colony for goods or any other thing bought and Sold by all persons whatsoever residing in and passing through this Colony according to their rates and the tender of

the said Bills for payment or Discharging of any Debt or Debts Bargain Sale of any Land or Lands or other things Bonds Mortgages Specialtys and Contracts whatsoever shall be as Effectual in the Law to all Intents & purposes as if the Current Silver Coin of this Colony had been offered & tendered for the discharge of the same or any part thereof AND be it further Enacted by the authority aforesaid That if any p'son or p'sons Creditor or Creditors Obligee or Obligees and partie or parties to any Contract Covenant Bargain or Agreement whatsoever already made or hereafter to be made at any time during the Currency of the said Bills shall upon Tender of all or any their Debts Dues and Demands whatsoever or any part of them in the Bills of Credit made Current by this Act refuse to Accept or receive the said Bills of Credit in Discharge of the said Debts Dues or Demands or any p't of them according to their values and rates he she or they so refusing to accept the said Bills of Credit in Discharge as aforesaid shall loose the said Debt or Debts sum or sums of money or such part of the same so refused and they and every of them their & every of their Heirs Executors or Administrators shall for ever be barr'd from bringing his her or their Action for the Recovery of the said Debt or Debts sum or sums of money so refused as aforesaid And the Defend'ts may plead this Act in Barr to any Action or Actions that shall be so Commenced

Be it further Enacted by the Authority aforesaid That if any person or persons whatsoever within this Colony shall at any Time during the Currency of the said Bills offer to Sell or Expose to Sale any Goods or Chattels Lands or Tenements whatsoever and Deny or refuse to sell or ask a greater value for the same unless payment be made in Current silver Money Gold plate Dollars or other Specie whatsoever and not in the said Bills of Credit (whereby the Credit of the Said Bills may be impaired) Then and in such Case the person so exposing to sale and refusing as aforesaid shall if the goods or Chattles exposed to Sale be under the value of five pounds forfeit the sum of forty shillings for each offence to be recovered before any Justice of the peace upon the Oath of any two Witnesses And if the Value of the Goods or Chattles Lands or Tenements be above five pounds and under fifty pounds the Exposer to sale shall forfeit the sum of five pounds and if the goods Or Chattles Lands or Tenements be above the value of fifty pounds & under one hundred pounds the Exposer to sale shall forfeit the sum of ten pounds And if the

value of the Goods or Chattels Lands or Tenements be above one hundred pounds the Exposer to sale shall forfeit fifty pounds to be recovered by Action of Debt in any Court of Record within this Colony with Costs of suit the first forfeiture to the use of any p'son that shall sue for (the same, the other Three forfeitures the one half thereof to the use of such p'son as shall sue for) and prosecute the same to Effect the other half to the use of his Majesty his heirs and Successours to be applyed towards the Support of the Goverment of this Colony any Law Custom or usage to the Contrary in any Wise Notwithstanding.

AND BE IT ENACTED by the Authority aforesaid That the persons appointed for the signing of the said Bills of Credit shall Take an Oath before any Justice of the peace of this Colony for the true signing and delivering of all the said Bills of Creditt & no more than w't is mention'd in this Act to the Trea'r of this Colony according to the true Intent and meaning of this present Act

AND be it Enacted by the Authority aforesaid that ye Quantity of plate that each Bill shall be Current for and the value of the same shall be printed on the Top of each Bill.

AND be it Enacted by the Authority aforesaid That Robert Walter John Cruger David Provoost Junr & John Reade aforesaid appointed hereby to sign the Bills of Credit made Current by this Act shall for such their service have paid unto each of them or each of their Executors or Assigns by the Trea'r afore said in Bills of Credit made Current by this Act the sum of thirty seven Ounces of plate and a half as a reward for their Trouble in signing numbering Compairing & Cancelling the Bills afore said and the Trea'r of this Colony is hereby directed to pay the same accordingly anything to the Contrary in this Act in any wise Notwithstanding.

AND be it Enacted by the Authority aforesaid that if any persons or p'sons w'tsoever shall presume to Counterfit any of the said Bills he or they being Convicted thereof shall incur the pains and penaltys of felony without benefitt of Clergy & shall Suffer accordingly

AND that the said Bills may be truely and bona fide sunk as the fond arising by virtue of this Act is paid unto the Trea'r of this Colony for the time being Be it Enacted by the Authority aforesaid That the Treasurer of this Colony shall yearly retain in his hands the sum of three Thousand Ounces of plate out of the

first money yearly arising by virtue of this Act which said Sum of three Thousand Ounces of plate so retained in his hands shall yearly & every year on the first day of July during the Continuance of this Act & on the first day of July w'ch shall be in ye year of our Lord one Thousand seven hundred & twenty by the Trea'r aforesaid Be given in Exchange for Bills of Credit made Current by this Act to any p'son or p'sons bringing in the same And the said Bills of Creditt shall on or before the Expiration of one month after the said first days of July yearly be sunk and destroyed in the presence of the said Robert Walter John Cruger David Provoost Junr & John Reade or the Major p't of them then alive having first Compared the said Bills with Their Counterparts & entred in a Book to be kept for that purpose the Number and value of each Bill of Credit so sunk & Destroyed.

AND be it enacted by the Authority aforesaid that the Trea'r aforesaid shall within one month after the publication of this Act take the following Oath Vizt, I, A. B. appointed Treasurer of the Colony of New York will faithfully and truly discharge the Trust reposed in me as Trea'r of the same I will not Issue Dispose or apply or cause to be Issued Disposed applyed or paid any moneys that now is or may hereafter come into my hands as Trea'r aforesaid otherwise then is or shall be directed by this or any other Act or Acts of the General Assembly of this Colony and I will keep true and faithfull Acco'ts of all the money or Effects that is or may come into my hands or pos'sion & that shall be Issued and paid by me by virtue of any such Acts with the times of my receiving & paying of the same so help me God Which Oath shall be Administred by any one of his Majestys Council or any Justice of the peace in this Colony who are hereby impowered & required to administer the same

PROVIDED always & it is hereby further Enacted That in Case the said Robert Walter John Cruger David Provoost Junr or John Reade aforesaid shall happen to dye or refuse to Act or remove beyond the Seas before the Duties and services hereby required of them be p'formed and accomplished y't then & in such Case the Gov'r for the time being with the advice & Consent of the Council may appoint and Nominate the like Number of other Substantial ffreeholders of the City of New York to execute all and every the powers hereby given to the aforesaid Robert Walter John Cruger David Provoost Jun'r & John Reade who shall continue in like manner To Execute The same till others be appointed

by Act of General Assembly and receive the same reward for their services herein in the same proportion as is before directed to be paid to the said Robert Walter John Cruger David Provoost Jun'r & John Reade.

AND be it further Enacted by the Authority aforesaid that the Trea'r of this Colony shall pay or Cause to be paid the Bills of Credit hereby made Current and likewise all & every sum & sums of money y't shall come to his hands by virtue of this Act over and above the said Bills of Credit to such p'son & p'sons & in such manner as he shall from time to time be directed by Warr't or Warrants to be past in Council under the hand & Seal of the Governour or Command'r in Chief of this Colony for ye time being by and with the advice & Consent of the said Council Which Warr'ts endorsed by the persons to whom they are made payable shall be a Sufficient discharge to the said Trea'r. Which Warrants shall be numbered & paid in Course according to their Number And to the end the Trea'r may at all times know what Warrants are Drawn the Clerk of the Council for the time being is hereby directed & required immediately after the Drawing of any Warrant or Warr'ts to signifye to the Trea'r under his hand the name or Names of the p'son or p'sons to whom such Warr't or Warr'ts are made payable together with the sums & Numbers of the same

PROVIDED always & it is hereby Enacted by the Authority aforesaid that the Trea'r of this Colony shall nevertheless pay or Cause to be paid in Bills of Credit hereby made Curr't to all & every the Members of the General assembly of this Colony ten Shillings P. Diem for each Day they have served or shall serve from the first day of this present session of Assembly to the first day of January next ensuing upon a Certificate to be produced to him by each & every the said Members signed by the Speaker of the said Assembly for the time being Expressing the Number of Days that each Member has attended the Service of the said General Assembly within the said time and the receipt of each of the said Members endorsed on his Certificate shall be a Sufficient discharge to the said Trea'r for so much AND be it further Enacted by the Authority aforesaid that the Certificate for the Speakers service in the house shall be signed by the Majority of the house & the Trea'r is hereby ordered to take notice of it & pay it accordingly and the sd. Speakers receipt shall be a Discharge to the said Trea'r for so much

[CHAPTER 293.]

[Chapter 293, of Livingston & Smith and Van Schaack, where the act is printed in full. Printed in full in Bradford, 1715 ed., p. 216; Baskett, p. 211.]

An Act declaring that all Persons of Forreign Birth heretofore Inhabiting within this Colony and dying Seized of any Lands Tenements or Hereditaments shall be forever hereafter Deemed Taken and Esteemed to have been Naturalized, and for Naturalizing all Protestants of Forreign Birth now Inhabiting within this Colony.

[Passed, July 5, 1715.]

WHEREAS by Letters Patents under the Great Seale of England Dated the Twelfth day of March in the Sixteenth year of Charles the Second the Soyle and Government of this Colony was by the Said King given and granted to his then Dearest Brother James Duke of York his heirs and Assigns and amongst other the Powers therein and thereby given to the Said Duke it was granted that it Should and might be Lawfull for the Said Duke his heires and assigns or any of them at all and every time and times thereafter to take lead carry and transport for and towards the Plantation of this Colony not only any of the Subjects of his then Majesties Realmes and Dominions but any other Strangers who would become Subjects to the said King and live under his alliegance AND whereas by the Articles made on the Surrender of this Province to the Crown of England it was among other things Stipulated that all People Should continue free Denizons and enjoy their Lands and houses wheresoever they were within this Colony and dispose of them as they Pleas'd That any People might come from the Netherlands and Plant in this Country And that any of the then Military Officers and Soldiers belonging to the Dutch Garrison that would Plant Should have Fivety Acres of Land Set out for them. AND whereas in Pursuance of the Said Articles made on the Surrender aforesaid and in order to Invite and encourage people to come and Settle in this Colony and Improve the same Severall Letters of Denization were given by Severall Governors Setting forth that the Persons receiving the Same Had by virtue of the Articles made on the Said Surrender and the Said Letters of Denization Privilege and Power to Purchase receive take have hold buy and Possess any Lands Tene-

ments or hereditaments within this Government and them might Occupy and enjoy give Sell alien and bequeath as they Should See cause AND whereas for the Invitation and farther Encouragement of People to come and Settle in this Colony and in order to quiet the minds of his Majesties Subjects then Inhabiting the Same Sir Edmond Androsse then Governor of this Province under his Royall Highness then Duke of York in a Proclamation by him Emitted the Ninth day of November One Thousand Six hundred Seveanty four by command of the Said Duke did Proclaime and declare that all former Grants Privileges or Concessions before that time granted And all Estates Legally Possest by any under his Royall Highness before the late Dutch Government were thereby confirmed and the Possessors by virtue thereof to remain in Quiet Possession of their Rights. AND whereas for the farther quieting the minds of his Majesties Subjects of Forreign Birth Inhabiting this Colony and for the farther Invitation and encouragement of Such as would come Inhabit and Improve the Same An Act of the Generall Assembly of this Province was assented to in the year One thousand Six hundred Eighty three by the then Governor Colonel Thomas Dongan Entituled An Act for Naturalizing all those of Forreign Nations, at present Inhabiting within this Province, and Professing Christianity, and for Encouragement of others to come and Settle within the Same, And Exprest in the following words, "FORASMUCH as Several persons of divers Forreign Nations, Professing Christianity, now are, and for divers Years past have been actual and Settled Dwellers and Inhabitants within this Province, under the Allegiance of his Majesty of Great Britain, our Dread Sovereign, and the obedience of his Royal Highness, and So desire to continue and remain, and Be Naturalized, and become as his Majesties Natural born Subjects, Be it Enacted by the Governor, Councill and Representatives now assembled, and by the Authority thereof, That all and every Such person or persons of what Forreign Nation Soever they be, Professing Christianity, and that now are actuall Inhabitants within this Province, and have taken or Subscribed or that shall take or Subscribe to the Oath of Allegiance, are and Shall be hereby Naturalized, and in all Respects be accounted and esteemed as his Majesties Naturall Born Subiects, and shall have and enjoy all Such Privileges, ffreedoms and Immunities within this Province, as other his Majesties Subjects do, have or enjoy, Pro-

vided nothing contained in this Act is to be construed to discharge or Set at Liberty any Servant, Bondman or Slave, but only to have Relation to such persons as are free at the making hereof. AND be it further declared and Enacted by the authority aforesaid, That all and every person and persons, Forreigners, of what Nation Soever, Professing Christianity, that at any time hereafter shall come and arrive within the Said Province, with an intent to become his Majesties Subiects, and to dwell, Settle and Inhabit accordingly, and take the Oath of Allegiance to his said Majestie, and Fidelity to his Royal Highness, the Lord Proprietor of this Province, every Such person or persons may be Naturalized by Act of Assembly, and from thenceforth shall in all respects be Accounted, Deemed and Esteemed as his Majesties Natural Born Subiects, and shall have and enjoy all Such Privileges, ffreedomes and Immunities within this Province, as other his Majesties Subiects have and enjoy. AND whereas Pursuant to the Powers granted to the then Duke of York Several Strangers, willing to become his Majesties Subiects, and live under his allegiance, were Imported into this Province, and did Settle in and Improve the Same, acquiring to themselves, with the consent and approbation Of the Government, Several Lands, Tenements and hereditaments. AND whereas on a firme Dependance on the Publick ffaith, for the Inviolable adherence to and ffaithful performance of the Articles made on the Surrender aforesaid, many of the Subiects of the High and Mighty States of the United Provinces, remain'd in this Colony, as his Majesties Subjects, and quietly held and enjoyed the Lands they were possest of, and acquired other Lands, Tenements and hereditaments within the Same. AND whereas by the Invitations and great Encouragements given by the Governors of this Province, under his then Royal Highness, and Particularly the great Encouragement given by the before recited Act of Assembly, assented to as aforesaid, great numbers of Protestants of fforeign Birth, did come and Settle in this Colony, to the great increase of Trade and Navigation, and considerable Improvement of this Province. AND whereas by many Intermarriages, Wills, Deeds of Sale, and other mean Conveyances in the Law, Several Estates, Lands, Tenements and Hereditaments formerly Possest by persons of Forreign Birth or Extraction (who Settled in this Province on the motives before Exprest) have been and are become the Possessions, Lands, Tenements and hereditaments of his Majesties Natural born Subiects of his Kingdoms of Great Britain or

Ireland, or Some of the Dominions thereunto belonging, THEREFORE to render his Majesties Subjects Secure in the quiet and peaceable enjoyment of their Several Estates, Rights and Properties, prevent any doubts, controversies or disputes that may hereafter arise upon or concerning the true meaning, Intent and vallidity of the before mentioned Powers granted to the Duke of York, the Articles made and agreed to on the Surrender, The Letters of Denization, Proclamations, Invitations, and Act of Assembly, or any of them, and to Settle and Quiet the minds of his Majesties Subiects Inhabiting in this Colony, WE Pray that it may be Enacted by the Governor, Councill and Assembly, and 'tis hereby enacted by the Authority of the Same, That all persons of fforeign Birth, now deceas't, Inhabiting and being within this Colony at any time before the first day of November, One thousand Six hundred and Eighty three, and being Seiz'd of Lands, Tenements or hereditaments, shall for ever hereafter be deemed, taken and Esteemed to have been Naturalized, and entituled to all the Rights, Privileges and advantages of any of the Natural born Subiects of this Colony; and all bequests, Deeds, Grants, AND mean Conveyances in the Law, made or done by any of them, shall be deemed to be as effectual to all intents and purposes whatsoever, as if they had been done and Executed by any of his Majesties Natural born Subiects of this Colony. And any p'son or persons holding any Lands, Tenements or hereditaments, by, from or under any Such person or persons of fforreign Birth, shall be deem'd to be, and is hereby as fully and Rightfully Entituled to the Same, to every intent and purpose whatsoever, as if Such person or persons had held by, from or under any of his Majesties Natural born Subjects of this Colony. And be it Enacted by the authority aforesaid, That every person of fforreign Birth now alive, and who did Inhabit within this Colony before the Said first day of November, in the year of our Lord One Thousand Six hundred Eighty Three, shall for every hereafter be deem'd to have been Naturalized, and Shall enjoy all the Rights, Privileges, and advantages that any of his Majesties Naturall Born Subiects of this Colony, do, or of right ought to enjoy, And any Devise, Bequest, Deed, grant or mean Conveyance in the Law, heretofore made by any Such person of fforreign Birth, shall be as effectuall, to all purposes and Intents whatsoever, as if the Same had been done and Executed by any of his Majesties Naturall Born Subiects of this Colony And be it Enacted by the Authority aforesaid, That all persons of fforreign Birth,

who have come and Inhabited in this Colony, at any time Since the Said year of our Lord One thousand Six hundred and Eighty Three, and Purchas'd any Lands, Tenements or hereditaments, and Convey'd the Same by mean Conveyances in the Law, or dyed Seiz'd of the Same, Every Such person shall forever hereafter be Deem'd, taken and Esteemed to have been Naturalized, and any Bequest, Deed, grant or other mean Conveyance in the Law, made, done or executed by any Such person or persons of fforreign birth, as aforesaid, and now dead, shall de Deem'd, taken and Esteem'd to be as good, valid and Effectuall in the Law, to all Intents, constructions and Purposes whatsoever, as If the Same had been made, done or Executed by any of his Majesties Naturall born Subjects of this Colony, and the heires, Grantees, Legatees, feoffees of any Such person or persons of fforreign Birth, as aforesaid, holding any Lands, Tenements or hereditaments, by, from or under any Such person or persons of forreign Birth, shall have, hold, enjoy, Possess, Occupy and be entituled to the Same, as fully and Rightfully, as if the Said Lands or Tenements had descended from, or been granted and convey'd by any of his Majesties Naturall Born Subiects of this Colony, Any Law, Custom or Usage to the Contrary hereof in any wise notwithstanding. And be it further Enacted by the authority aforesaid, That all persons of fforreign Birth, being Protestants, now alive and Inhabiting in this Colony, shall be, and hereby are declared to be his Majesties Naturall Subjects, and Shall enjoy all the Rights, Privileges and advantages that any of his Majesties Naturall Born Subiects do, or of right ought to have and enjoy. Provided always, and it is hereby Enacted, That every Such persons now alive shall within nine Months after the Publication hereof, take the Oaths by Law appointed to be taken, in Stead of the Oaths of Allegiance and Supremacy, Subscribe the Test, and make, repeat and Swear to, and Subscribe the abjuration Oath, in any of his Majesties Courts of Record within this Colony, which Said Courts respectively are hereby authorized and required, upon application to them made, to administer the Same, and take the Subscriptions as aforesaid, and cause the Names of the Person and Persons So Swearing and Subscribing, to be entred upon Record in the Said Court, for which every person and persons is hereby required and directed to pay the Sum of Six shillings Current Money of New York to the Judge of the said Courts respectively, and three Shillings to the Clerk. And be it further Enacted by the authority aforesaid,

That if any person or persons having So Sworn and Subscribed as aforesaid Shall demand a Certificate or Certificates of his being entred upon Record in manner aforesaid the Said Court or Courts are hereby directed and required to grant the Same under the hand and Seale of the Judge of the Said Court or Courts Respectively Counter Signed by the Clerk of the Said Court, for which Certificate every Such person or persons requiring the Same, shall pay, over and above the Nine shillings beforementioned, the Sum of Three shillings, One half to the Judge of the Said Court or Courts Respectively, and the other half to the Clerk thereof; which Said Certificate or Certificates shall at all times be a Sufficient proof of the person or persons being Naturalized by this Act, as if the Record aforesaid were Actually produced by them, or any of them. PROVIDED always, and it is hereby farther Enacted, That in case it So happen, any of the persons now alive, of Forreign Birth, abovementioned, shall depart this life before the Term of Nine Months be expired, or before Publication of this Act, every Such Person So departing this life, as aforesaid, shall notwithstanding be Deem'd and esteemed to have been his Majesties Naturall Subject, as fully as if he or she had been Born within this Colony, or had taken the Oaths aforesaid, any Law, Custom or Usage to the Contrary hereof in any wise notwithstanding.

[CHAPTER 294.]

[Chapter 294, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1715 ed., p. 223. Title only is printed in Baskett, p. 215. Provided for by chapter 326.]

An Act for Laying a Duty on Goods Sold by Auction, Vendue or Out-Cry.

[Passed, July 5, 1715.]

Be it Enacted by the Govern'r Council & General Assembly of this Colony of New York, & by the Authority of the same, That there be given & Granted to his Majesty his Heirs & Successors, for every Hundred Pounds Current Mony of New-York of Goods Merchandizes Slaves & other things whatsoever that shall be sold within this Colony at Publick Auction Vendue or Out-Cry (Goods belonging to the Crown, the Excise Houses Lands Ships & Vessells Goods & Effects of all Deceas'd person Exposed to Sale by Executors or Administrator's, or Goods taken in Execution, only excepted) the Sum or Quantity of Tenn Ounces of Plate, from the publication of this Act During the Space of three Years.

AND BE IT further Enacted by the Authority aforesd, That for the better Secureing the payment of the Duty on all Goods Sold at Auction or Vendue, the Vendue Master, or whatsoever other person or persons shall Expose any of the afores'd Goods, Merchandizes, Slaves & other things whatsoever (Except what is before excepted) at publick Auction or Out-Cry, shall at the expira'con of every three Months, or within fourteen Days after, give an exact & true Account to the Treasurer of this Colony for the time being upon Oath which Oath the Treasurer of this Colony is hereby Impowered to Administer, of all Goods and other things abovemen'coned by him or them sold by Auction Vendue or Out-Cry Chargeable by this Act & pay or cause to be paid to the said Treasurer of this Colony for every Hundred Pounds Value Sold as afores'd the Summ of Tenn Ounces of Plate, to be applied to such use or uses as the Govern'r Council & General Assembly shall think fitt.

AND BE IT further Enacted by the Authority afores'd, That every Vendue Master within this Colony or such other person or persons as shall Sell any of the Goods & Effects liable to pay the Duty as aforesaid in publick Vendue, shall in a Book for that purpose keep an Exact Account of all such Goods & Effects as be by him or them Sold by Publick Vendue Out Cry or Auction Chargeable by this Act & for his trouble & pains, for keeping the said Books, rendering the Accounts & paying in of the Mony by him them & Each of them to the Treasurer of this Colony, shall retain in his hands the Summ of five per Cent of whatever he or they shall pay unto the Treasurer of this Colony for ye time being.

AND BE IT further Enacted by the Authority afores'd That if any Vendue Master or Vendue Masters within the Colony shall expose to Sale at any time or times hereafter any Lott piece or parcel of Goods Wares or Merchandizes under the real Value of Tenn Pounds Current mony of this Colony (Except the Goods belonging to the Crown, Houses Lands, Ships or other Vessels, Goods & Effects of all Deceased persons, exposed to Sale by Executo'rs or Administrato'rs or Goods taken in Execution) every such Vendue Master or Vendue Masters shall for every such Lott piece or parcel of Goods, so by him Exposed to Sale as afores'd, forfeit the Sum of fifteen Pounds Curr't Mony of this Colony, the one half to his Majesty his heirs & Successors for the use of the Colony, & the other half to the person or persons who shall Sue for the same, to be Recovered in any of his Majestys Courts of Record within this Colony, wherein no Essoin Protection or Wager of Law, or any more than one Imparlance shall be allowed.

AND BE IT further Enacted by the Authority afores'd That if the

Vendue Master, or whatever person or persons, that shall Expose any Goods Merchandizes or other Effects whatsoever (Except as above excepted) at Publick Auction Vendue or Out Cry shall neglect, deny or refuse to give an exact Account & pay in the mony for all such Goods & other Effects Sold by him or them as aforesaid, at the expira'con of every three Months, or within fourteen Days after, to the Treasurer of this Colony, every such Vendue Master or other Person so offending shall forfeit for every such Offence double the Duty imposed by this Act, if the same can be discovered or for want thereof the Sum of Fifty Pounds Current mony of this Colony, to be Recovered by the Treasurer of this Colony for the time being, by Action of Debt, in any Court of Record within this Colony, to be applied to such use as the Govern'r Council & General Assembly shall think fitt.

AND BE IT further Enacted, That if the said Treasurer shall neglect to Sue the Vendue Master or other Person offending as above expressed, he shall forfeit for every such neglect the Sum of Sixty Pounds, And be accountable to the Govern'r Council & General Assembly for so much.

AND BE IT further Enacted by the same Authority, That the Vendue Master or other Person Selling Goods or other Effects by way of Auction Vendue or Out Cry shall Yearly during the Continuance of this Act Enter into Recognizance to his Majesty his Heirs & Successors in Two hundred & fifty Pounds with Sufficient Sureties, to be approved of by the Speaker of the General Assembly for the time being, to pay the Duty imposed by this Act, & to fullfill & Comply with every Article & Clause therein, relating to the said Vendue Master or other Person exposing Goods by Publick Vendue Auction or Out Cry, And if any Vendue Master or other Person as afores'd within this Colony, shall neglect deny or refuse to give ye Surety of him and them required by this Act, every such Vendue Master or other Persons as aforesaid so neglecting, denying or refusing to give such Surety as afores'd is hereby declaired incapable of executing that office, until such time as he or they shall give the Surety as by this Act is required and forfeit to his Majesty his heirs & Successors the Sum of Ten pounds for every parcell of Goods Sold Chargeable by this Act before such Security given to be Sued for & recovered by the Treasurer of this Colony to be paid and applied as before expresst.

AND for the better Enabling the Vendue Master or whatsoever Person or Persons that shall Sell Goods at Vendue, Auction or Out Cry to receive & pay in the Dutys arising by this Act within ye

respective times herein before Limited & appointed, BE IT Enacted by the Authority aforesaid, That if any person or persons, Owner or Owners of any such Goods so Sold as aforesaid, & for which the Duty herein before expressed shall become due, shall after such Sale thereof & demand of the said Duty by the said Vendue Master or any other person or persons selling the same, neglect or refuse to pay to the said Vendue Master or other person or persons the Duty arising on such Goods as afores'd; that then it shall & may be Lawfull for the s'd Vendue Master or other person or persons, & he or they are hereby fully impowered & Authorized on such demands and non paym'ts thereof to distraine the Goods & Chattels of such person or persons so refusing or neglecting as aforesaid, & the distress so taken to keep for the Space of ten Days at the Cost & Charges of the Owner thereof, and if the Owner do not pay the said Sum or Sums of mony so distrained for within the said ten Days, then the said distress to be publickly Sold by the said Vendue Master for the paym't of the said mony & the overplus coming by the Said Sale (if any there be) over & above the Charges of taking, keeping & Selling the s'd distress to be immediately restored to the Owner thereof.

[CHAPTER 295.]

[Chapter 295, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1715 ed., p. 220. Title only is printed in Baskett, p. 216. Expired, July 5, 1718. Revived by chapter 435.]

An Act for the Encouraging Navigation.

[Passed, July 5, 1715.]

Be it Enacted by the Governour Council & General Assembly and by the Authority of the same, That any Tavernkeeper, Ale-house-keeper or Victualer, within the City of New York, Kings County and Queens County, who shall trust or Credit any Sea-man, Master or Commander of any Ship or Vessel, Excepted belonging to any Ship or Vessel that is in, or shall hereafter come into the Road or harbour of the City of New York, for any Sum or Sums of money Exceeding the Sum of Six Shillings Current mony of this Province every such Tavern-keeper Ale-house-keeper or Victualer shall loose every such Sum & Sums of mony, exceeding the Sum of Six Shillings, as aforesaid, & no Writ or Process shall lye against any Sea-man as aforesaid, at the Suit of any Tavern--keeper, Ale-house-keeper or Victualer within the said City of New-York, Kings County or Queens County, for any greater Sum than Six Shillings, as aforesaid. And be it

Enacted by the Authority aforesaid, That every Tavern-keeper, Ale-house-keeper or Victualer within the City of New York, Kings County or Queens County, who shall trust or give credit to any Seaman that is out of Service, for any greater Sum than twelve pence per day so long as he shall be out of Service, shall likewise loose the same, & no Writ or Process shall lye against the Sea-man at the suit of any Tavern-keeper, Ale-house-keeper or Victualer, within the City of New York, Kings or Queens County, for any greater Summ, than the proportion of Twelve pence Pr Day, During the time that such Sea-man shall be out of Service, Except Masters, Commander of Ships or Vessels, as aforesaid. And be it further Enacted by the Authority aforesaid, That in case it shall so happen, that any Person or Persons (to defeat the intent of this Act) shall take any Bond, Bill or Specialty whatsoever, from any Sea-man in trust, for (except as before excepted) or to the use of any Tavern-keeper, Ale-house-keeper or Victualer for any Sum or Sums of mony Exceeding the Sum of Six Shillings afores'd, all & every such Bonds Bills or Specialties shall be altogether void, Null and of none Effect, any Custom, Usage or Law to the contrary hereof in any wise notwithstanding. And any Person or Persons takeing any such Bonds Bills or other Specialties shall & may by ye Judge or Justices of any of his Majesties Courts of Justice, be examined on his, her or their Corporal Oaths, of and concerning such Bonds, Bills or other Specialties and shall declaire upon the Oath aforesaid, how and in what matter the Sum or Sums of mony mentioned in such Bonds, Bills, or other Specialties, became due unto the Persons claiming the same; and if the party examined shall refuse to Discover the same, Judgment shall be given as if such Bonds, Bills, or other Specialties, had been taken contrary to the true intent & meaning of this Act.

And be it further enacted by the authority aforesaid, That no Tavern-keeper, Ale-house-keeper or Victualer within the City of New York shall entertain or keep in his house any Sea-men, except as before excepted in Actual Service on board of any Ship or Vessel in the Port of New York, after the hours of ten at Night, under the forfeiture of Twenty Shillings, to be recovered before any of his Majestys Justices of the peace, One half to be apply'd to the use of the Poor in the said City, & the other half to the Informer that shall sue for the same. This Act to remain in force for three Years from the Publica'con hereof and no longer.

[CHAPTER 296.]

[Chapter 296, of Livingston & Smith and Van Schaack, where title only is printed. Printed in full in Bradford, 1715 ed., p. 222. Title only is printed in Baskett, p. 216. See chapter 260. Revived by chapter 315.]

An Act for Reviveing an Act Entituled an Act for the better Settleing the Militia of this Province, and makeing it more Useful for the Security and Defence thereof, and for Repealeing all former Acts heretofore made in this Province relateing to the same.

[Passed, July 5, 1715.]

BE IT ENACTED by the Governor Councill and Assembly And it is hereby Enacted by Authority of the same, That an Act Entituled, an Act for the Settleing the Militia of this Province and makeing it more usefull for the Security and Defence thereof, And for Repealeing all former Acts heretofore made in this Province relateing to the same, made in the ffirst Year of the reigne of her late Majesty Queene Anne of blessed Memory, Expired by its own Limitation, Shall be of fforce from the Publication hereof untill the ffirst day of November which will be in the Yeare of our Lord One thousand Seven hundred and Sixteen.

[CHAPTER 297.]

[Chapter 297, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1715 ed., p. 231. Title only is printed in Baskett, p. 216.]

An Act for building a County-House and Prison in Dutchess County, within this Colony.

[Passed, July 21, 1715.]

BE IT Enacted by His Excellency the Governour and Council, and Assembly, AND IT IS hereby Enacted by the Authority of the Same, That the Justices of the peace for Dutchess County in this Colony, or the Major part of them, are, and are hereby Authorized, impowered and required within Forty Days next and after the Publication of this Act, to meet together at such place or places within the said County, as unto them shall seem meet, And then and there Issue forth their Warrant or Warrants, under their hands and Seals, to the Constable or Constables of the said County, requiring them, and every of them, to warn all the Free-holders inhabiting within the said County, that they assemble and meet together at such time and place within the said

County, as by the said Justices in their said Warrant or Warrants shall be directed, and then and there by Plurality of Voices, to elect and appoint two able and sufficient Free-holders of, and inhabiting in the said County, to be Supervisors and Directors, for the building and erecting a County-House and Prison within the said County, at such a convenient place as to them shall be meet and convenient, for the most ease and benefit of the Inhabitants of the said County.

AND BE IT further Enacted by the Authority aforesaid, That the said Two Supervisors and Directors are hereby directed and required to cause the said County-House and Prison to be built and erected, in manner aforesaid, within two Years next and after the Publication hereof.

AND BE IT further Enacted by the Authority aforesaid, That for the defraying the necessary charges for the building, erecting and finishing the said County-House and Prison aforesaid, within the time aforesaid, There be raised, levyed, collected and paid by the free-holders, Inhabitants, residents and sojourners of and in the said County, within the time of two years next ensuing, in such parts and proportions, as the said Supervisors and Directors, shall think fit, to them the said Supervisors and Directors, such Sum and Sums of Money as they shall think requisite and necessary for the same, Provided the same do not exceed the Sum of Two hundred and fifty Ounces of good Mexico, Pillar or Sevill Plate; which said Sum is to be raised, levyed, collected, paid and disposed of, for the uses aforesaid, in such way, and in the like manner, and under such pains and forfeitures, and under such regulations and directions, as all others the due and necessary charges of the said County are by Law raised, collected, paid and disposed of, for the uses nevertheless as aforesaid, Any Law, Usage or Custom to the contrary hereof in any wise notwithstanding.

[CHAPTER 298.]

[Chapter 298, of Livingston & Smith and Van Schaack, where the title only is printed. This act is not in Bradford, 1715 ed. Title only is printed in Baskett, p. 215.]

An Act to enable Sarah Crego the widd of Richard Crego late of the City of New York Marriner Dece'd to Sell a Lott of Land in the said City.

[Passed, July 21, 1715.]

WHEREAS the said Richard Crego at the time of his Decease was Seized of & Stood possest of a certaine Lott of Land lying and being within the City of New York on the Eastside of William street bounded on the south by Tuenis D'Key on the north by Naltie

Clopper and on the east by Geesie van Cleif containing in breadth in Front & rear twenty four foot & in Length on the North side One hundred Sixty two foot and Longer on the South side. AND WHEREAS it appeares to the House of Representatives that it was the Will & Intent of the said Richard Crego in his Life time & at the time of his Decease that the above mentioned Lot of Land should be Disposed of by Sarah the wife & Executrix of the said Richard Crego for the mainteinance & Education of his Children, but by reason of the unskilfulness of the Clerk who writ the will of the said Richard Crego, the said Sarah Crego is not fully Impowered to Sell the said Lott of ground according to the Intent and meaning of the Testator. BE IT therefore Enacted by his Excellency the Govern'r Council and General Assembly & it is hereby Enacted by the Authority of the Same that the said Sarah Crego widdow & Executrix of the said Richard Crego is by this Act Impowered & authorized to Sell & dispose of the before mentioned Lott of ground, & to Signe Seal & Deliver a Deed of Conveyance thereof unto any Person or Persons whatsoever, which Deed of Conveyance made & Executed as aforesaid, shall at all times hereafter be deemed & Esteemed a good valued & Sufficient Title in the Law, to all Intents Constructions & purposes whatsoever, as if the said Richard Crego had Executed a Deed of Conveyance for the same in his life time, & the purchaser of the said Lot of ground is by this Act Invested in & Entituled to an Estate in fee Simple, Saving to all & every person or persons whatsoever any Right Claime or Interest to the said Lot of Land other then the Heires of the said Richard Crego, any thing hereinbefore to the Contrary notwithstanding.

[CHAPTER 299.]

[Chapter 299, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1715 ed., p. 227; Baskett, p. 221.]

An Act for discharging of Capt Peter Van Brugh and Hendrick Hansen Esq'r of the City of Albany of for and concerning the Provisions Ammunitions and other Stores of War formerly in their hands belonging to this Colony.

[Passed, July 21, 1715.]

WHEREAS by an Act of the General Assembly of this Colony, made in the Tenth Year of Her late Majesty's Reign, Entituled, An Act to appoint Commissioners to purchase Provisions and other necessarys for the Expedition to reduce Canada, the said Capt Peter Van Brugh and Mr. Hendrick Hansen were appointed Commis-

sioners at Albany for the receiving and taking care of the Provisions and other necessarys for the forces raised in this Colony there, and the necessary Transportation of the same, for the Expedition aforesaid, and were also thereby Invested with sundry Powers and Authoritys for the executing of the Trust in them reposed. AND WHEREAS the said Capt. Peter Van Brugh and Mr. Hendrick Hansen and each of them respectively have duly and faithfully executed the Trust in them and every of them respectively reposed by the beforementioned Act of Assembly, and have respectively rendered their Accompts of the Stores of this Colony to the full Satisfaction of the late General Assembly, According to the Directions of the last mentioned Act.

BE IT therefore Enacted by His Excellency the Governour Council and General Assembly, AND IT IS hereby Enacted by the Authority of the Same, That the said Capt. Peter Van Brugh and Mr. Hendrick Hansen and every of them their and every of their Heires Executors and Administrators be and hereby are for ever discharged of and from all Debts Dues and Demands whatsoever for and concerning all and all manner of Provisions, Ammunitions, Stores of War, Sum and Sums of Money, Goods, Wares and Merchandizes and other Effects, Which came to their and every of their hands, belonging to this Colony, for the use of the said Expeditions against Canada respectively.

AND BE IT further Enacted by the Authority aforesaid, That the said Capt. Peter Van Brugh and Mr. Hendrick Hansen and Every of them their and every of their Heirs Executors and Administrators be and hereby are and every of them is and shall be for ever discharged of and from giving or making any further or other Accompt or Accounts relating or concerning the Matters aforesaid or any of them, They and Every of them hath and having fully and truly Accounted for the same, And they and every of them their and every of their Heirs Executors and Administrators are hereby Declared to be thereof from henceforth and for ever Quitted and Discharged.

[CHAPTER 300.]

[Chapter 300, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1715 ed., p. 228 Title only is printed in Baskett, p. 217.

An Act for Repairing the County House and Prison in the County of Ulster.

[Passed, July 21, 1715.]

BE IT Enacted by his Excellency the Govern'r Council and General Assembly, And it is hereby Enacted by the Authority of

the same, That the Justices of the Peace for the County of Ulster in this Colony or the Major Part of them are and be hereby Authorized, impowered and required within forty Days next and after the Publication of this Act to meet together at such place or places within the said County as to them shall seem meet, and then and there by Majority of Votes Constitute and Appoint two able and Sufficient Freeholders of & Inhabiting in the said County to be Managers and Directors of Repairing the County house and Prison in the said County of Ulster now standing and being.

AND BE IT further Enacted by the Authority aforesaid, That the said Two Managers & Directors are hereby Directed and required to cause the said County house and Prison to be repaired as aforesaid within Twelve Months next & after the Publication hereof

AND BE IT further Enacted by the Authority aforesaid, that for the defraying the necessary charges for the repairing the said County house and Prison aforesaid within the time aforesaid, there be raised, Levyed, Collected & paid by the ffreeholders Inhabitants and residents of and in the said County within the time of Six Months next ensuing to the said Managers and Directors such Summ & Summs of Money as they shall think Requisite and necessary for the same, not exceeding ye Sum of Two hundred and fifty Ounces of good Mexico pillar or Sevill plate, which said Sum is to be raised Levyed Collected paid and Disposed of for the uses aforesaid in such way and in the like manner and under such paine & forfeitures and under such regulations and directions as all other the due and necessary charges of the said County are by Law raised Collected paid and disposed of for the uses nevertheless as aforesaid, any Law, Custom or Usage to the Contrary hereof in any wise notwithstanding.

[CHAPTER 301.]

[Chapter 301, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1715 ed., p. 229. Title only is printed in Baskett, p. 217. Expired in 1716. See chapter 284.]

An Act for Continuing an Act of General Assembly Entituled an Act for appointing Commissioners to let to Farme the Excise thro'out this Colony.

[Passed, July 21, 1715.]

Be it Enacted by his Excellency the Governour Council & General Assembly, and it is hereby Enacted by the Authority of

the same; That one Act of General Assembly Entituled, an Act for appointing Commissioners to Let to Farme the Excise thrô' out this Colony, made in the thirteenth Year of the reign of her late Ma'ty Queen Anne of blessed Memory, shal be & is hereby continued for and during the terme of one wholl Year, after the Expiration of the said Act.

[CHAPTER 302.]

[Chapter 302, of Livingston & Smith and Van Schaack, where the title only is printed. This act is not in Bradford, 1715 ed. Printed in full in Baskett, p. 216.]

An Act Declaring John Sloss free from the Duty of Tonnage.

[Passed, July 21, 1715.]

WHEREAS the said John Sloss by his Peti'con presented to the General Assembly hath set forth, that he having brought a Vessel built in the Colony of Conneticut to the Port of the City of New York. The Duty of Tonnage was Demanded of him, pursuant to an Act of General Assembly, pass'd in the thirteenth Year of the reign of Her late Ma'ty, entituled, an Act for Levying & paying the Several Duties therein men'coned for the Use of this Colony. Notwithstanding he is in the Actual possession of a Farme of considerable value lyeing & being in the Province of New Yorke, for w'ch he Annualy pays Quit Rent & the Usual Taxes & is also a Freeman of the said City. Be it therefore Declar'd & Enacted, by the Governour Council and General Assembly & by the Authority of the same. That the said John Sloss is hereby Acquitted, Discharged, freed & Exempted, from paying the said Duty of Tonnage for the said Vessel, & the penalties, Fines & forfeitures, men'coned & Express'd in the said Act, as freely, Cleerly & absolutely to all Intents Constructions & purposes as any Inhabitants of the said Colony Are.

[CHAPTER 303.]

[Chapter 303, of Livingston & Smith and Van Schaack, where the title only is printed. This act is not in Bradford, 1715 ed. Title only is printed in Baskett, p. 220.]

An Act to Exempt Hannah Martin, Doct'r Christian Cooper & Mr. George Smith from paying of the Tax for twelve Negroes Imported from South Carolina.

[Passed, July 21, 1715.]

WHEREAS By A certain Act of Assembly of this province of New York pass'd (By his Excellency the Govern'r by and with the Advice

and Consent of the Council and General Assembly and by the Authority of the same) in the Months of June and July in the year 1714 Entitled an Act for levying and paying the Several Duties therein mentioned for the use of this Colony It is Enacted (amongst other things) By a Certain Clause in the said Act THAT there shall be paid the Duty of Tenn Ounces of good Plate aforesaid or in Bills of Credit made Current in this Colony the Value thereof by the Master or Commander of any Ship or Vessel or Owner of any Negro or other Slave that shall be Imported or otherwise brought into this Colony (all Negroes and other Slaves belonging to the Neighbouring Colonys, going to and from one Colony to the other for the Service of their Master or Mistress, or Mistresses only excepted) within forty Eight hours after the Arrival of the said Negro or other Slave.

AND that every Master or Commander of any Ship or Vessell shall within forty Eight hours after his Arrival within this Colony after notice given by the Officer appointed in the said Act for that purpose make Oath before the Mayor of the City of New York or any Justice of the peace for the time being, what Number of Negroes or other Slaves he or they brought into this Colony and to whom Consigned And on his neglecting or refuseing to take such Oath shall forfeit & pay fourty pounds Current Mony afores'd to be recovered & Applied as afores'd (together with other Clauses & provisoes in the said Act recourse thereto being had may more at large appear).

AND WHEREAS since the s'd Act passed & published as afors'd Two several peti'cons have been presented to this Assembly the one by One Hannah Martin Late of Charles Town in South Carolina Widow setting forth as therein is sett forth & for the reasons therein men'coned praying to be Excused from payment of the s'd Duty of Tenn Ounces of Plate for five Negroes to witt three men called Coffee Wappin & Sampson and two Girls call'd Pegg and Phillis lately Imported by her into this Colony in the Sloop Mary and Constante Cap't Thomas Lynch Commander for every one of them from Charles Town in South Carolina on Acco't of the late riseing of the Indians there and the other from Cap't Jacobus Dekey in the behalf of Doct'r Christian Cooper & Mr. George Smith of Charles Towne in South Carolina afores'd Praying to be excused from paying the s'd Duty of Tenn Ounces of Plate for five Negro men called Tom, Sambo, Jack, Josca, Caesar for every one of them likewise lately Imported in the said Sloop into this Colony as aforoes'd which were consigned to the s'd Capt Jacobus Dekey for the use of the s'd Dr Christian Cooper as also praying to be Excus'd for paym't of ye s'd Duty for one Indian Woman call'd Janne & her Daughter Nanny lately Imported in the

Sloop afores'd for Each of them into this Colony w'ch were consigned to the s'd Jacobus Dekey for the use of Mr. George Smith for the like reason as men'coned in ye pet'icon of ye s'd Capt. Jacobus Dekey recourse being thereto had may more at large appeare.

BEE it Therefore Enacted By his Excell'cy the Govern'r by & with the Advice & Consent of ye Council & General Assembly of this province And by the Authority of the same That notwithstanding ye s'd already recited Act & ye Clause therein men'coned (w'ch Enacts ye paym't of ye duty of Tenn Ounces of good Plate afores'd or in Bills of Credit made Current in this Colony for every such Negro or other Slave y't shall be Imported or otherwise brought into this Colony by ye Master or Comand'r of any Ship or Vessell or Owner of any Negro or other Slave in manner & forme as in ye s'd already recited Act is sett forth & Enacted for paym't thereof) That she ye s'd Hannah Martin Widow shall be & is hereby Excused & Exempted from paym't of all or any part of ye s'd Duty for her several Negroes call'd Coffee Wappin & Sampson Pegg & Phillis so imported into this Colony as afores'd And that the said Doct'r Christian Cooper shall be & is hereby excus'd & Exempted from payment of ye s'd Duty for his five Negroes call'd Tom Sambo Jack Josca & Caesar so likewise imported as afores'd into this Colony And that ye s'd Mr. George Smith shall be & is hereby Excus'd & Exempted from paym't of ye s'd Duty for his s'd Negro Woman call'd Janne & her daughter Nanny according to the Prayers of ye Several Peti'cons of ye s'd Hannah Martin & Capt. Jacobus Dekey any Clause or Provisoe in the s'd already recited Act or any other Act, Law, Usage or Custome to the contrary thereof in any wise notwithstanding.

PROVIDED Nevertheless that the said Hannah Martin Doctor Christian Cooper and Mr. George Smith shall respectively Give in sufficient security to his Majesty his heires and Successors to be Approved of and taken by ye Officer Appointed to Collect the before mentioned Duties in ye penal Sume of Twenty One Ounces of plate as aforesaid for every of ye respective Negroes and Slaves above mentioned, That they shall well and truely pay or cause to be paid the beforementioned Duty of Ten Ounces of Plate for each of the said Slaves that shall be sold or Transferred at any time within One Year and a day from and after ye publication of this Act, Any thing in this Act Contained to ye Contrary hereof in any wise Notwithstanding.

[CHAPTER 304.]

[Chapter 304, of Livingston & Smith and Van Schaack, where the title only is printed. This act is not in Bradford, 1715 ed. Title only is printed in Baskett, p. 217. The act from which relief is granted is chapter 267.]

An Act to Releive Robert Lurting Vendue Master of the Province of New York from divers penalties in a Certaine Act of Generall Assembly made in the Twelfth Year of her Late Majesty Entituled An Act for laying a Duty on Goods Sold by publick Vendue or Out-Cry.

[Passed, July 21, 1715.]

WHEREAS by the said Act (amongst other things) it was Enacted that the Vendue Master should at the end of every three moneths give an Exact & true account to the Treasurer for the time being upon Oath of Goods and other things by him Sold at publick Out Cry & pay unto the Treasurer for every hundred Pounds Value Sold Tenn Ounces of plate for the uses therein men'coned & should in a Book for that purpose keep an Exact Account thereof, And if such Vendue Master should neglect to doe the same every three moneths he should forfeit double the duty imposed, if the same can be discovered, or fifty Pounds to be recovered as is therein directed as by the said Act may more at large appear. And whereas it hath appeared by the peti'con of the said Robert Lurting Vendue Master, that he hath complied w'th ye said Act in all things according to ye Intent thereof, save onely in ye respective times limited in ye s'd Act w'ch has been occasion'd by ye s'd Vendue Masters not being sufficiently Impowered by ye s'd Act to enforce ye paym't of ye s'd duty. Yet nevertheless he is become subject to ye penalty thereof, & for w'ch an Action hath been com'enced in ye Supream Court by ye Treasurer of this province against ye s'd Robert Lurting, which Action is still depending now for ye releiving the s'd Robert Lurting, from ye s'd penalties according to Equity & Justice the Act in all things being now fullfilled, Be it enacted by ye Gov'r Council & Generall Assembly of this province And it is hereby Enacted by ye Authority of ye same y't ye s'd Rob't Lurting his Goods & Chattles Lands & Tenements shall for ever hereafter be acquitted & discharged & they are hereby acquitted & for ever discharged off & from all penalties paines & forfeitures by the said recited Act Imposed & by the said Robert Lurting incurr'd & of & from all Action and Actions Information & Informations whatsoever for touching or concerning the same. AND BE it further Enacted by the Authority afores'd That the said Action

comenc'd by the Treasurer now depending in the said Supream Court against the said Robert Lurting & all proceedings thereupon, are hereby declared to be discontinued to all Intents & purposes whatsoever, & the Cheif Justice or Justices of the Supream Court afores'd, and the Treasurer afores'd are hereby required to take notice accordingly & conform hereunto any thing in the said recited Act of General Assembly to the contrary hereof in any wise notwithstading.

PROVIDED nevertheless that the said Robert Lurting pay and discharge the Costs and Charges Expended by the said Treasurer in the said Action comenced as aforesaid.

[CHAPTER 305.]

[Chapter 305, of Livingston & Smith and Van Schaack, where the act is printed in full. Printed in full in Bradford, 1715 ed., p. 233; Baskett, p. 220. Explained by chapter 740.]

An Act to oblige the Inhabitants of each particular Ward within the City of New-York to make good their respective Quota's of all publick Taxes.

[Passed, July 21, 1715.]

WHEREAS some of the Collectors and Constables of the City of New York, who have had the Collecting of the Taxes, having got the Money into their possession, have with-drawn and removed into other parts with the Money, and others have converted great part thereof to their own private uses, who have not Estate enough to make Reparation, which loss to the Inhabitants of this City is occasioned by a remissness and neglect in not choosing able and responsible Men to serve in the said Offices; and heretofore has been made good by a fresh levy upon the Inhabitants of the whole city; TO THE END therefore that this remissness and neglect be remedyed for the future; BE IT Enacted by His Excellency the Governour the Council and Assembly, And by Authority of the Same, That if hereafter any Collector or Constable of any Ward within the said City shall prove insolvent of the publick Taxes by him collected and received, or with-draw himself with the publick Money, so that it cannot otherwise be had and received, the Inhabitants of such Ward as have chosen such Collector or Constable so offending shall make good the loss and damage in that behalf, by a fresh levy upon themselves, and not upon the Inhabitants of the whole City, as has been formerly, Any Usage or Practice to the contrary in any wise notwithstanding.

AND BE IT further Enacted by the Authority aforesaid, That all and every person or persons within the city of New York, who shall be elected and chosen as a Collector or Constable, and shall refuse to execute that Office, every such person or Persons shall pay as a Fine for every such refusal, the Sum of Fifteen Pounds Current Money of this Colony for the Use of the Corporation of the said City, to be levyed by Warrant under the Seal of the said City, Signed by the Mayor thereof, for the Time being.

PROVIDED always, That no Minister, Physician, Chirurgion, Clerks of the Council, Assembly, and Courts, Attorneys, or any Person that has served in a Superior Office in the Corporation of the said City, shall and may be Elected for Constables or Collectors within the Same, Any thing before in this Act to the Contrary hereof in any wise notwithstanding.

[CHAPTER 306.]

[Chapter 306, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1715 ed., p. 226. Title only is printed in Baskett, p. 218. Expired, July 21, 1717.]

An Act for the Destroying Wolves in the County of Orange.

[Passed, July 21, 1715.]

WHEREAS the Inhabitants of the County of Orange in this Colony Suffer great Losses in their Stocks, both of Sheep and Neat Cattle by the increase of Wolves in the said County. For preventing which, and Encouraging those who shall destroy Wolves in the said County

BE IT Enacted by his Excellency the Govern'r Council and General Assembly, And by the Authority of the same, That every person or persons inhabiting in the said County who shall kill any Wolf, and carry the head of it to any Justice of the Peace, such Justice of the Peace shall give him or them a Certificate to the Treasurer of the said County, who upon sight thereof shall pay to the Person inhabiting in the said County as aforesaid, the Sum of four Shillings and Six pence Current mony of this Colony, and to any Indian or Slave so killing any Wolf, & bringing such Certificate as aforesaid, the Sum of Three Shillings money aforesaid.

AND BE IT further Enacted by the Authority aforesaid, That for Defraying the necessary charge of destroying of Wolves, There be raised, Levyed, Collected and paid by the ffreeholders, Inhabitants, residents and Sojourners of & Inhabiting in the said

County such Sum or Sums of money as to the Justices of the peace & Supervisors of the said County or the major part of them for the time being, shall from time to time seem requisite and necessary, for the use aforesaid in such way & in like manner And under such pains & forfeiture and under such regulations and Directions as all other the Publick And necessary Charges of the said County are by Law raised, Leveyed collected and Paid, for the uses nevertheless as aforesaid, any Law Usage or Custom to the contrary hereof notwithstanding.

AND BE IT further Enacted by the said Authority That this Act shall be and continue in force Two Years from and after the Publication hereof And no longer.

[CHAPTER 307.]

[Chapter 307, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1715 ed., p. 232; Baskett, p. 219. Expired, July 21, 1720.]

An Act for the better Repairing the Fortifications of Schonectady in the County of Albany, And Providing their Military Watch with ffirewood.

[Passed, July 21, 1715.]

WHEREAS it is highly necessary That the Fortifications of the Town of Schonectady in the County of Albany, be kept in good Repair, BE IT therefore Enacted by His Excellency the Governour, Council and Assembly, And It is hereby Enacted by the Authority of the Same, That it shall and may be lawful to and for the Justices of the Peace of the County of Albany, dwelling in the Town of Schonectady and precincts thereof, in the said County, or the Major part of them, to raise and levy upon all and every the Free-holders, Inhabitants and Sojourners, inhabiting and dwelling within the said Town and precincts thereof, and Out-Plantations to the same belonging yearly and once in every Year, during the continuance of this present Act, for the Use of His Majesty, His Heirs and Successors, Thirty Ounces of Plate, to be imployed by the said Justices of the peace for and towards the repairing of the Watch-houses and Gates of the said Town and for no other use and purpose whatsoever. AS ALSO such and so many Stockados as shall be wanting for the Fortifications of the said Town, AND for so many Load of ffire-wood as shall be necessary for the use of their Military Watch, by equal pro-

portions, according to the respective Estates of the said Freeholders Inhabitants and Sojourners of the Town and precincts aforesaid.

AND BE it further Enacted by the Authority aforesaid, That the said Stockadoes, Moneys and fire-wood, to be levyed by virtue of this Act, shall be raised, levyed, collected and paid in the same and like manner as all other publick Taxes of this Colony are used to be levyed, collected and paid (save only, that the said Stockadoes and fire-wood are to be brought to such place or places as by the said Justices of the peace in the Town of Schonectady, in each respective place, shall be Directed and appointed, at the charge of the party who shall be assessed to deliver the Same) And more particularly according to the Rules and Directions, and under the same and the like penalties and forfeitures as were directed and appointed in and by an Act of General Assembly of this Colony, made and Enacted in the Eighth Year of Her late Majesty's Reign, Entituled, An Act for levying four thousand pounds, as if the same had been herein particularly mentioned and exprest, Any Law, Usage or Custom to the contrary hereof in any wise notwithstanding. PROVIDED always, That this Act, nor any Clause therein contained, shall be any longer in force than five Years next and after the Publication hereof any thing herein contained to the contrary hereof in any ways notwithstanding.

[CHAPTER 308..]

[Chapter 308, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1715 ed., p. 229; Baskett, p. 218. See chapter 149.]

An Act for reviving and Continuing an Act, Entituled, an Act to prevent the runing away of Negroe Slaves out of the City & County of Albany to the French at Canada.

[Passed, July 21, 1715.]

WHEREAS an Act entituled, an Act to prevent the runing away of Negroe Slaves out of the City & County of Albany, to the French at Canada, made in the fourth Year of her late Ma'ty, Queen Anne, of blessed Memory, is Expired by its own Limittation, being only in force during the late Warr with the French, which Said Act hath been of great Use to the said City & County; BE it therefore Enacted by his Excellency the Govern'r Council & General Assembly and it is hereby Enacted by the Authority

of the Same, That the said hereinbefore recited Act, & every Article, Clause & Thing therein mentioned & Expressed, shall be, & is hereby Revived, renewed, Continued & shal be in full force from the Publication hereof, the Provisoe in the said Act men-'coned for its Limitation during the Warr with the French only Excepted, any thing to the Contrary hereof in any wise notwithstanding.

[CHAPTER 309.]

[Chapter 309, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1715 ed., p. 234. Title only is printed in Baskett, p. 215.]

An Act for Appointing an Agent, and directing the Treasurer of this Colony to pay the Sum of five hundred Ounces of Plate yearly to John Champanty, Agent to negotiate the Affairs of this Colony at the Court of Great Britain.

[Passed, July 21, 1715.]

IN ORDER that His Most Sacred Majesty may at all times be informed of the true State and Condition of this Colony of New York, and His Loyal Subjects inhabiting the Same, BE IT Enacted by His Excellency the Governour, Council and General Assembly, And It is hereby Enacted by the Authority of the Same, That John Champantry, Esq'r be, and is hereby appointed an Agent for this Colony, to attend upon His Majesty and Ministers of State, pursuant to such Directions and Instructions as he shall, from time to time, receive from the Governour and Council, or the General Assembly of this Province. PROVIDED, such Instructions and Directions as shall be given by the Governour and His Majesty's Council of this Province, be Signed by the Governour and the Major part of the said Council in the Colony, And such Instructions and Directions as shall be given by the General Assembly shall be Signed by the Major part of the said Assembly, and the Speaker of the Same, for the time being; And that the said Agent shall not observe any other Orders or Instructions but such as come to him Signed as above directed. AND for the better Enabling the said Champanty to discharge the Trust Reposed in him, for the benefit of this Colony, BE IT Enacted by the Authority aforesaid, That the Treasurer of this Colony, for the time being, shall out of any Publick Money at any time in his hands not otherwise Appropriated, remit by Bills of Exchange,

to the said Champanty, or his Assigns, Yearly, the Sum of Three hundred and seventy five Ounces of Plate, as a Reward for his pains and Care, And the Sum of One hundred and twenty five Ounces of Plate, to be Employ'd and disburst for Fees, Sollicitations, and other necessary Charges for the Service of this Colony, to be accounted for by the said Champanty. PROVDED, That the said Three hundred and seventy five, And One hundred and twenty five Ounces of Plate be not Sent or Remitted to the said Champanty, but by an Order of the General Assembly of this Province, Signed by the Speaker of the Same, for the time being.

[CHAPTER 310.]

[Chapter 310, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1715 ed., p. 229. Title only is printed in Baskett, p. 221. (See veto of chapter 362, in Doc. Rel. to Col. His., V., p. 530.) Expired, September 1, 1718. See chapter 183. Revived by chapter 362.]

An Act for Continuing an Act entituled an Act for the easier Partition of Lands in Joint Tenancy or in Comon.

[Passed, July 21, 1715.]

BE it Enacted by the Governour Council & General Assembly, & it is hereby Enacted by the Authority of the same. That one Act of General Assembly entituled an Act for the easier Parti'con of Lands in Joint-Tenancy or in Comon, made in the Seventh Year of the Reign of her late Ma'ty almost Expir'd by its own Limittation, shall be & is hereby Enacted by the Authority aforesaid, to be and continue in full force, for and until the first day of September, which shall be in the Year of our Lord, One thousand Seven hundred & Eighteen.

[CHAPTER 311.]

[Chapter 311, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1715 ed., p. 230. Title only is printed in Baskett, p. 216.]

An Act for the Treasurers paying several Persons therein named, And for paying the Excise in Arrear to the Treasurer.

[Passed, July 21, 1715.]

BE IT Enacted by His Excellency the Governour Council and General Assembly And by the Authority of the Same, That the Treasurer of this Colony Do pay to the several Persons herein

after named or their Assigns the respective Sums hereafter exprest out of the publick Money that is or that shall come into his hands, not otherwise appropriated, That is to say:

TO Lewis Morris Esq'r Fifty five Ounces of Plate or the Value thereof in Lyon Dollars or Bills of Credit made Current in this Colony.

TO Coll Gerardus Beekman, Fifty Ounces of Plate or the Value thereof in Lyon Dollars or Bills of Credit made Current in this Colony.

TO Martha Mompesson in part of seven hundred and fifty Ounces of Plate allowed her by a Resolve of the General Assembly the Sum of Three hundred seventy five Ounces of Plate, or the Value thereof as aforesaid.

TO Gabriel Ludlow Clerk of the General Assembly, for his Service this present Sessions of Assembly, for Ingrossing of Publick Acts and Transcribing the Minuts of the House, the Sum of Two hundred and Eight Ounces seven pennyweight and twelve Grains of Plate, or the Value thereof as aforesaid.

TO Cornelius Post Doorkeeper of the General Assembly, for his Service this present Sessions of Assembly the Sum of Seventy five Ounces five pennyweight of Plate, or the Value thereof as aforesaid.

TO William Bradford, for Parchment, Paper, Books of Acts of Assembly, Minute-Books, Quills and Ink, for the use of the General Assembly this present Sessions, the Sum of Thirty one Ounces of Plate, or the Value thereof as aforesaid.

TO Robert Crannel, the Sum of Twenty five Ounces of Plate, or the Value thereof as aforesaid.

And that the Receipts of the several and respective persons herein before named or their Assigns shall be to the said Treasurer a sufficient Warrant and Discharge for the Same.

AND WHEREAS By the Treasurers Account laid before the General Assembly divers Farmers of the Excise in the Citys and Countys of New York and Albany and some other Countys within this Colony, who farmed the said Excise before the first Day of November One thousand seven hundred and thirteen Remain considerable Sums in Debt for the said Excise; BE IT therefore further Enacted by the Authority aforesaid, That the Arrears of the said Excise due from the several Farmers thereof within the several Citys and Countys within this Colony Be paid Unto the said Treasurer within the Space of Six Months after the Publication hereof, under the penalty of forfeiting double the Sum in

Arrear by the Farmer or Farmers of the said Excise, To be Recovered by the Treasurer of this Colony, who is by this Act required and authorized to Sue for the same by Action of Debt in any Court of Record within this Colony, wherein No Essoin, Protection or Wager of Law, or more than one Imparlance shall be allowed, And that the said Treasurer defray the Charge of such Suits out of the Publick Money in his hands; AND if it shall so happen, That the Arrear of the aforesaid Excise, Directed by this Act to be paid unto the said Treasurer, remain unpaid by Neglect or Default of the said Treasurer, contrary to the true intent and meaning of this Act, Then and in such Case the said Treasurer shall be accountable for all and every Sum and Sums remaining in Arrear and unpaid, as if the same had been actually received by him.

[CHAPTER 312.]

[Chapter 312, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1715 ed., p. 225. Title only is printed in Baskett, p. 217. Expired, January 21, 1716.]

An Act for relieving the Inhabitants of the Colony of South Carolina from the Dutys laid and paid in this Colony of New York for such Goods Slaves and Merchandizes as they shall Import into this Colony during the time of Six Months.

[Passed, July 21, 1715.]

WHEREAS a great Numbér of the Inhabitants of the Colony of South Carolina, by reason of the War lately broke out in the said Colony with the Indians, are necessitated to transport themselves and families with their Goods Slaves and Effects into this His Majesty's Colony of New York for refuge and shelter; AND WHEREAS sundry Imposts are lay'd and payable in this Colony for the Use of His Majesty His Heirs and Successors for such Goods Slaves and Merchandizes as are or shall be Imported into this Colony pursuant to the Laws for that purpose Enacted. IN ORDER therefore to relieve the Inhabitants of the said Colony of South Carolina from the Dutys so laid as aforesaid. BE IT Enacted by His Excellency the Governour Council and General Assembly, AND IT IS hereby Enacted by the Authority of the Same, That for and during the Space of Six Months, from the five and twentieth Day of June in this present Year One thousand seven hundred and fifteen, every Master, Commander or Owner of

any Ship or Vessel shall within forty eight hours after his or their arrival from the said Colony of South Carolina within this Colony make Oath before the Mayor of the City of New York, or any Justice of the Peace for the time being, that the Goods, Slaves and Merchandizes, so imported as aforesaid, are not only imported by persons Inhabitants of South Carolina, but from that place, and not otherwise, and that the Slave or Slaves so imported belong to the Importer or his Employer before the said War broke out, in which Case every such Master, Owner, Importer or Employer as aforesaid is and are hereby exempted from the Dutys payable for the Goods, Slaves and Merchandizes so imported by him or them as aforesaid. PROVDED always, AND IT IS hereby further Enacted by the Same Authority, That every Importer, Master or Owner as aforesaid shall within forty eight hours after his or their arrival within this Colony give in Security in double the Duty of each Slave so imported, on Condition, that if he or they sell any of the said Slaves, he or they shall pay the Sum of Three Pounds Current Money of this Colony to His Majesty His Heirs and Successors for every Slave so sold by him or them, Any thing contained in this Act to the contrary hereof in any wise notwithstanding.

[CHAPTER 313.]

[Chapter 313, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1715 ed., p. 235; Baskett, p. 217. Expired, July 21, 1720.]

An Act for the better Repairing the Fortifications of the City of Albany, Providing their Military Watch with fire wood, and discharging of other the publick and necessary Charges of the said City.

[Passed, July 21, 1715.]

WHEREAS it is highly necessary, That the Fortifications of the City of Albany, be kept in good Repair, and that the publick and necessary Charge of the said City be duely discharged, BE IT therefore Enacted by His Excellency, the Governour and Council, and General Assembly, and IT IS hereby Enacted by the Authority of the Same, That it shall and may be Lawful to and for the Mayor, Aldermen and Commonality of the said City of Albany, or the Major part of them, in Common Council assembled, to raise and levy upon all and every the Free-holders, Inhabitants and Sojourners, inhabiting and dwelling within the said City and Corpo-

ration thereof, yearly and once in every Year, during the continuance of this present Act, for the use of His Majesty, His Heirs and Successors, Three hundred Ounces of Plate, to be employed by the said Mayor, Aldermen and Commonality, or the Major part of them, for and towards the Repairing of the Watch-houses, Gates of the said City, and other the publick and necessary charges of the said City, and for no other use and purpose whatsoever, to be paid to the Treasurer of the said City, for the time being, and to be issued by the said Treasurer by Warrant from the Mayor, Aldermen and Commonality, for the time being, or the Major part of them; AS also, such and so many Stockadoes as shall be wanting for the Fortifications of the said City, And so many Load of fire-wood as shall be necessary for the use of their Military Watch, by equal proportions, according to the respective Estates of the said Free-holders, Inhabitants and Sojourners of and in the City aforesaid, to be by them brought and delivered to such place and places, or to such person and persons in the said City, for the uses aforesaid, as to the said Mayor, Aldermen and Commonality assembled, as aforesaid, or the Major part of them, shall from time to time seem meet. AND for the better Executing of this Act, BE it Enacted, and It is hereby Enacted by the Authority aforesaid, That the Stockadoes, Plate and Fire-wood, to be levyed by virtue of this Act, shall be raised, levyed, collected and paid in the same and like manner as all other publick Taxes of this Colony are usually levyed collected and paid (save only, that the Stockadoes and the Fire-wood are to be brought to such place and places as by the Mayor, Aldermen and Commonality of the said City, or the Major part of them assembled, as aforesaid, shall be directed and appointed, at the Charge of the party who shall be Assessed to deliver the same) And more particularly, according to the Rules and Directions, and under the same and the like penalties and forfeitures, as are directed and appointed in and by an Act of the General Assembly of this Colony, made and Enacted in the Eighth Year of Her late Majesty's Reign, Entituled, An Act for levying Four Thousand Pounds, As if the same had been herein particularly mentioned and exprest, Any Law, Usage or Custom to the contrary hereof in any ways notwithstanding. PROVIDED always, That this Act, nor any Clause herein contained, shall be any longer in force than five Years next and after the publication hereof, any thing herein contained in any wise notwithstanding.

THE SEVENTEENTH ASSEMBLY.

First Session.

(Begun June 5, 1716, 2 George I; Robert Hunter, Governor.)

[CHAPTER 314.]

[Chapter 314, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1732 ed., p. 131. The act is not in Baskett. See chapter 167. Continued by chapter 398.]

An Act for Reviving an Act, entituled, an Act for the Encouragement of Whaling.

[Passed, June 30, 1716.]

Be it Enacted by the Governour, Council and Assembly, and by the Authority of the same, That one Act of General Assembly, entituled, an Act for the Encouragement of Whaling, made in the Seventh Year of the Reign of her late Ma'ty Queen Anne (of Glorious Memory) expir'd by its own Limitta'con, shall be, and is hereby Enacted by the Authority aforesaid, to be of force from the Publication hereof, for & until the first day of November, which shall be in the Year of our Lord One Thousand Seven hundred and Twenty & no Longer.

[CHAPTER 315.]

[Chapter 315, of Livingston & Smith and Van Schaack, where the title only is printed. The act is not in Bradford, 1732 ed., or Baskett. See chapter 296. Revived by chapter 334.]

An Act Reviveing an Act, Entituled, an Act for the better Settling the Militia of this Province, and making it more useful for the Security and Defence thereof, And for Repealeing all former Acts heretofore made in this Province relateing to the same.

[Passed, June 30, 1716.]

BE IT ENACTED by the Governor, Council and Assembly, And it is hereby Enacted by the Authority of the same, That an Act, Entituled, an Act for the better Settleing the Militia of this Province, and making it more useful for the Security and Defence thereof, And for Repealing all former Acts heretofore made in this Province relating to the Same, made in the first Year of the Reign of her late Majesty Queen Anne (of blessed Memory)

Expired by its own Limitation, Shall be of fforce from the ffirst day of November next Ensuing, untill the ffirst day of November which will be in the Year of our Lord One thousand Seven hundred and Seventeen.

[CHAPTER 316.]

[Chapter 316, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1732 ed., p. 130. This act is not in Baskett. See chapter 151. Expired, July 1, 1730.]

An Act for preserving Deer in the County of Ulster, and Reviving an Act, entituled, an Act for the Preservation of Deer.

[Passed, June 30, 1716.]

Be it Enacted by the Gov'r, Council & Assembly, & it is hereby Enacted by the Authority of the same, That any person or persons within the County of Ulster, Christian or Indian, Freeman or Slave, that shall kill or Destroy a Buck, Doe or Faun, or any Sort of Deer at any time of the Year, Except only between the first Day of August, and the first Day of January, shall be Liable to the pains, penalties, Forfeitures and Regulations, men'coned and express'd, in an Act, entituled, an Act for the preservation of Deer, made in the fourth Year of the Reign of our Soveraign Lady Queen Anne (of Glorious Memory) expired by its own Limita'con, which Act shal be & is hereby Enacted by the Authority aforesaid to be in force from the publication hereof, for and Until the first Day of July, which shall be in the Year of our Lord Seventeen hundred & Thirty.

[CHAPTER 317.]

[Chapter 317, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1732 ed., p. 131. This act is not in Baskett. See chapter 244.]

An Act to prevent the selling & giving of Rum or other Strong Liquors to the Indians.

[Passed, June 30, 1716.]

WHEREAS it hath been found by Experience, that the Use of Rum & other Strong Liquors, by the Indians of the County of Albany, has not only been destructive to their Bodys, but their Minds are thereby so deprived of the right use of their Natural understanding & Reason, that they become Ungovernable, & are led into the practices of all sort of Vice & Immorality; for prevention whereof for the future, Be it Enacted by the Gov'r, the

Council & General Assembly, & by Authority of the Same, That if any person or persons whatsoever within the City & County of Albany, shall from & after the Publication hereof, give, sell or otherwise Dispose of any Rum, Brandy or Spirits, Wine, or any other Strong Liquor whatsoever, to any Indian or Indians within the said City & County of Albany, Such person or persons, so as aforesaid giving, Selling or otherwise disposeing of any Rum, Brandy, Wine, or any other Strong Liquor to any Indian or Indians within the said City & County of Albany, & being thereof Convicted by the Oath of any one Christian, or the Affirmation of one Indian, before the Mayor or Recorder of the said City of Albany, or before any one Justice of the Peace of the said City or County afores'd, who is hereby Impowered to Administer & take such Oaths and Affirmation, shall for every such Offence, forfeit the Sum of five pounds, One half whereof to be to the use of the Said County where Such Offender shall be Convicted, & the other half to the Use of the Informer, to be Levy'd by Distress & sale of the Offenders goods, by Warrant under the hands & Seal of the Person or Persons before whom such Conviction was made, which Warrant such Person or Persons, as aforesaid, have likewise power to make, Seal & Grant, & where distress cannot be made upon the Offender or Offenders in this behalf, that then it shall & may be Lawfull for the said Mayor or Recorder, or any one Justice of the Peace, as aforesaid, to Commit such Offender or Offenders to Prison, there to remain without Bail or Mainprize, for the space of three Months from the time of such Conviction, as aforesaid. PROVIDED alwayes, and it is hereby Enacted, That, any Person or Persons so affirmed against, by such Indian or Indians who shall Immediately before Such Mayor or Recorder, or Justice of the Peace, as aforesaid, make Oath upon the holy Evangelist, to the Contrary of Such Affirmation, of such Indian or Indians, such Person or Persons so swearing, shall be Discharged from the Affirmation of such Indian or Indians.

And because the good Intent of this Act shall not be frustrated by the secret and Clandestine Practices of Persons for the sake of private advantage, Be it Enacted by the Authority aforesaid, That from and after the publication hereof, It shall & may be Lawfull for the said Mayor or Recorder, or any One Justice of the Peace of the said City or County Aforesaid, as often as he or they shall think fit, to send for any Person or Persons whatsoever, whom they shall Suspect, privately to Offend against the Law in this behalf made, And administer to such Person or Persons so suspected, an Oath upon the Holy Evangelists, to

purge themselves from the said Suspisition, in the Words following. I A. B. do swear, That I have not Directly or indirectly by myself or any other for me, from & after Publica'con of an Act, entituled, an Act to prevent the selling & giving of Rum or other Strong Liquors to the Indians, Given, Sold or otherwise Disposed of any Rum, Wine, Brandy or other Strong Liquors to any Indian or Indians, within the said City or County aforesaid, or to any other Person or Persons whatsoever for them, or any of them, Contrary to the true Intent & meaning of this Act. And every such Person or Persons so suspected, as aforesaid, not appearing upon summons duly made, or appearing, either Confessing the aforesaid Facts, or refusing to take the aforesaid Oath, shall forfeit the sum of Five pounds, undergo the Imprisonment aforesaid; the Forfeiture to be Levyed, Divided & Dispos'd of in manner aforesaid. Provided always, That no Forfeiture or Imprisonment shall be inflicted upon any Person whatsoever in this behalf, for not appearing Upon Summons duly made, untill an Affidavit be made upon Oath, of the due Service of the said summons upon the said Suspected Person or Persons before the said Mayor or Recorder of the said City, or before any one Justice of the Peace of the said County aforesaid, who are hereby Impowered to Administer such Oath to the Constable or Officer, who shall have Served the same, any thing before to the Contrary thereof in any wise notwithstanding.

And be it further Enacted by the Authority aforesaid, That if any of the aforesaid Officers, or any sheriffs or Constables of the aforesaid City and County, do neglect or refuse to Act, in the putting this Act in Execu'con, every such Officer so neglecting or refusing to put the same in Execution, According to the true intent & meaning of this Act, shall for every such Offence Forfeit the like Sum of Five pounds, or undergo such Imprisonment of three months, as aforesaid.

[CHAPTER 318.]

[Chapter 318, of Livingston & Smith and Van Schaack, where the title only is printed. This act is not in Bradford, 1732 ed., or in Baskett. Expired June 30, 1721.]

An Act for the building & Erecting two Wooden houses for Sheds for the Accomodation of the Indians Trading at Albany, & for keeping them in good Repair.

[Passed, June 30, 1716.]

WHEREAS the Trade with the Indians at Albany is of great advantage to the Country, & it being therefore necessary to pre-

vent all Quarrels & Troubles, that may arise & happen between the Traders Living at Albany, & the said Indians, that some place & places be set a part for the Lodging & accomodating the said Indians, when they come to Trade with the Inhabitants of the said City, as have been heretofore Usual.

Be it therefore Enacted by his Excellency the Governour, Councsil & General Assembly, & by the Authority of the same, That the Comm'rs for Mannaging the Indian affairs at Albany, or the Major part of them, do with all Convenient Speed cause to be Erected & built, two wooden houses & Sheds, each of the Length of seventy foot, & the breadth of fifteen foot, nigh the said City, on the hill behind the Fort, a hundred Yards, or thereabout, above a Certain Spring on the said hill, one on the one side of the Road that Leads to Schenectady, and the other on the other side thereof, with the Distance of One hundred Yards from the said Road, & that the said Comm'rs or the Major part of them, do Cause the same to be kept in good Repair during the Continuation of this Act. And for the Defraying of the necessary Charges for the building, Erecting & keeping the said two Houses in Repair, Be it Enacted by the Authority aforesaid, That a Sum not Exceeding Two hundred & fourteen Ounces & a Quarter of Silver Plate, be laid, Assessed, rais'd and Levy'd, upon the Estates, Real and Personal, of all and every the Person & Persons, Trading, or reputed to Trade, or to be Dealers, Traffickers or Traders with the Indians, and Inhabiting within the said City of Albany, to be paid into the said Comm'rs, or such Person as they shall appoint to receive the same, at such Time & Times, & in Such proportion & proportions hereinafter mentioned, to be dispos'd of by the said Comm'rs or the Major part of them, for the Uses aforesaid, & to no other use & purpose whatsoever, That is to Say, a Sum not Exceeding One hundred & Six Ounces & a Quarter of Silver plate, on or before the first Day of September, in this present Year of our Lord, one thousand Seven hundred & Sixteen. A further Sum not Exceeding, Twenty seven Ounces of silver Plate, as aforesaid, at or before the Twenty Fifth Day of March, which shal be in the Year of our Lord, One Thousand Seven hundred & Seventeen. A further Sum, not exceeding Twenty Seven Ounces of Silver Plate, at or before the Twenty fifth day of March, which shall be in the Year of our Lord, One Thousand Seven hundred and Eighteen. A further Sum, not Exceeding Twenty Seven Ounces of Silver Plate, as aforesaid, at

or before the Twenty fifth Day of March, which shall be in the year of our Lord, One Thousand Seven hundred & Nineteen. And a further sum, not Exceeding Twenty Ounces of Silver Plate, as aforesaid, at or before The Twenty fifth Day of March, which shall be in the Year of our Lord One Thousand Seven hundred & Twenty.

And be it further Enacted by the Authority aforesaid, That for the better Assessing, raising, Collecting & receiving the respective Sums aforesaid, that the Assessors & Collectors of the said City of Albany for the Assessing and Collecting the Publick Rates for the Publick & necessary Charges of the said City, for the time being, be the Assessor & Collector, for the Assessing & Collecting the sum & sums of Plate as aforesaid, according to the Proportions before Express'd, in like manner as the Publick Rates are Usually Laid, Assessed & Collected. And be it further Enacted by the Authority aforesaid, That the Assessors & Collectors appointed for the Executing of this present Act, shall be & are hereby Declared to be Under the same Regulation, pains & Penalties, and Vested with the same Authorities as are Declared in an Act, of the General Assembly of this Colony, made in the Eighth Year of her late Ma'ties Reign, entituled, an Act for Levying Four Thousand Pounds.

And be it further Enacted by the Authority aforesaid That the said Comm'rs for the Indian affairs at Albany, for the time being, or the Major part of them, do allow out of the mony to be raised by this Act, unto the respective Collectors hereby appointed to receive the same, three & three Quarters per Cent, for what sums he or they Shall Collect by Virtue of this Act, & two & a half per Cent, to Such Person as Shall be by them appointed to receive all the mony of this Act. Provided always, That this Act nor any Clause therein Contained, shall Continue to be of Force any Longer than the term of five Years after the Publication hereof.

And be it further Enacted by the Authority aforesaid, That the said Comm'rs for Indian affairs, or any one of them, are hereby required & Impowered to Administer on Oath to each of the said Assessors for the due performance of their Duty men'coned in this Act, any thing in this or in any other Act to the Contrary in any wise notwithstanding.

THE SEVENTEENTH ASSEMBLY.

Second Session.

(Begun August 21, 1716, 3 George I; Robert Hunter, Governor.)

[CHAPTER 319.]

[Chapter 319, of Livingston & Smith and Van Schaack, where the act is printed in full. Printed in full in Bradford, 1732 ed., p. 130; Baskett, p. 223. See chapter 113. Repealed by a clause in chapter 583, which expired the first of December, 1739.]

An Act for Destroying Wolves & Foxes in the County of West Chester.

[Passed, September 1, 1716.]

For the better Encouragment of Destroying Wolves & Foxes in the said County that is Assigned in an Act, entituled an Act for the Destroying of Wolves within this Colony, made in the first Year of the reign of our late Soveraign Queen Anne of Glorious Memory. Be it Enacted therefore by his Excellency the Governour Council & General Assembly & by the authority of the same. That from and after the publication hereof, any Christian or Slave who shall Destroy or kill a Wolf or Wolves, their Whelp or Whelps within the said County of West Chester, shall be paid for each Wolf so killed, the Sum of Two pounds Current money of this Colony and for every Wolfs Whelp, the Sum of Twenty shillings like money, & three shillings for every Fox & Eighteen pence for every Young Foxe, to be rais'd Collected and paid in such manner, & under such Restrictions and regulations as are mentioned & Express'd in the said Act.

AND be it further Enacted by the Authority aforesaid that any Indian who shall Destroy a grown Wolf in the said County, shall be paid Twenty shillings, & for every wolfes Whelp Ten shillings, For every grown Fox, Eighteen pence, and Nine pence for every Young Fox.

[CHAPTER 320.]

[Chapter 320, of Livingston & Smith and Van Schaack, where the title only is printed. This act is not printed in Bradford, 1732 ed. Printed in full in Baskett, p. 226. Expired September 1, 1721. The minutes of the Council do not indicate that this act was signed September first, but the original law bears that date and the minutes of the Assembly state that it was signed on September first. (See Journal of Assembly, p. 390.)]

An Act for the better Repairing the Fortifications of the City of Albany, and providing their Military watches with firewood.

[Passed, September 1, 1716.]

WHEREAS it is highly necessary that the Fortifications of the City of Albany be kept in good Repair, for the Defence of the Fronteer.

BEE it therefore Enacted, and it is hereby Enacted by his Excellency the Govern'r & Council, & Gen'll Assembly, & by the Authority of the same, That it shall & may be Lawful to & for the Mayor, Aldermen & Comonalty of the s'd City of Albany, for the time being, or the Major part of them, in Comon Council Assembled, to Levy & Raise upon all & every the Freeholders, Inhabitants & Sojourners inhabiting, Dwelling & residing within the said City, from time to time, & at all times during the continuance of this present Act, by Equal proportions, according to their respective Estates, such & so many Stockadoes for repairing the Fortifications of the said City, & so many Load of firewood, for the use of their Military Watch, to be by them brought & Delivered to such place & places, as to the said Mayor, Aldermen & Comonalty Assembled, as aforesaid, shall, from time to time, seem meet & Convenient, at the proper Cost & Charges of the party bringing & delivering the same. And be it further Enacted by the Authority aforesaid, That it shall & may be lawful to & for the May'r, Aldermen & Comonalty of the said City of Albany, or the major part of them, in Comon Council assembled to raise & Levy upon all & every the free-holders, Inhabitants & Sojourners Dwelling within the said City, Yearly & once in every Year, during ye continuance of this present Act, for the use of his Majesty, his heires & Successors, a Sum not exceeding One hundred & fifty Ounces of good Silver plate, Yearly, or value thereof in Current money of this Colony, to be employed by the s'd Mayor, Aldermen & Comonalty, or the major part of them in Comon Council Assembled, for the defraying the Publick & necessary Charges of the said City, in such manner as unto the said Mayor, Aldermen & Comonalty assembled, as aforesaid, shall seem meet.

And for the better Executing of this Act, be it Enacted, and it is hereby Enacted by the Authority aforesaid, That the Stockadoes, money & firewood to be Levyed by virtue of this Act, shall be raised, levyed, Collected & paid within the said City in the same & like manner as all other publick Taxes of this Colony are used to be Levyed, collected & paid, and more particularly according to the Rules & Directions, & under the same & the like penaltys & forfeitures as are directed & appointed in & by An Act of the Gen'll Assembly of this Colony, made & Enacted in the Eighth Year of her late Majesties Reign, Entituled, An Act for Levying four thousand Pounds, as if the same had been herein particularly men'con'd & Expressed, unless otherwise directed

by this present Act, any Law, Usage or Custom to the contrary hereof in any ways notwithstanding. Provided always, That this Act, & every Article & Clause therein contained, shall be of force for the time of five Years next & after the publication hereof, & no longer, any thing herein contained to the contrary hereof in any ways notwithstanding.

[CHAPTER 321.]

[Chapter 321, of Livingston & Smith and Van Schaack, where the title only is printed. This act is not in Bradford, 1732 ed. Title only is printed in Baskett, p. 226.]

An Act for Discharging Coll Kilian Van Renseluar Major Dirick Wessells and Mindert Schuiler Esq'r of the City of Albany for and Concerning the Provisions Amunitions and other Stoares of Warr formerly in their hands belonging to this Colony.

[Passed, September 1, 1716.]

WHEREAS by an Act of the General Assembly of this Colony made in the Eighth Year of Her late Majesties Reigne Entituled An Act for levying Six thousand Pounds the said Kilian Van Ranseluar Dirick Wessells & Myndert Schuiler were appointed Commissioners at Albany for managing the affairs relating to the Provisions and all other necessarys for the then Expedition against Canada and were allso thereby Invested with Sundry Powers & Authorityes for Executing the trust in them Reposed, And whereas the Said Coll: Kilian Van Ranslar Major Dirick Wessells and Mindert Schuiler Esq'r & each of them Respectively have duly and faithfully executed the trust in them and every of them Respectively reposed by the beforementioned Act of Assembly & have Respectively Rendered their Accompt of the Stoares of this Colony to the Satisfaction of the Generall Assembly Bee it therefore Enacted by the Governour Councill & General Assembly and it is hereby Enacted by the Authority of the Same that the Said Coll: Kilian Van Renselaar Major Dirick Wessells & Mindert Schuiler Esq'r and every of them their and every of their Heirs Execut'rs And Administrat'rs be and are hereby forever discharged of and from all Debts dues and Demands whatsoever for and concerning all manner of Provisions Ammunitions Stoares of Warr Sum and Sumes of money goods wares and Merchandizes

and other Effects which came to their and every of their hands belonging to this Colony for the Use of the Said Expedition against Canada Respectively.

And be it further Enacted by the Authority afores'd that the Said Coll: Kilion Van Renselaer Maj'r Derick Wessells and Myndert Schuiler Esq'r and every of them their and every of their Heirs Execut'rs & Administ'rs be & hereby are and every of them is & shall be for ever Discharged of and from giving or making any further or other Accompt or Accompts relating or concerning the matters afforesaid or any of them, they & every of them hath & having fairely & Truly accompted for the Same & they & every of them their and every of their Heires Execut'rs & Administ'rs are hereby declared to be thereof from henceforth & for ever quiet & Discharged.

[CHAPTER 322.]

[Chapter 322, of Livingston & Smith and Van Schaack, where the title only is printed. This act is not in Bradford, 1732 ed. Title only is printed in Baskett, p. 223.]

An Act for the Treasurers paying to his Excellency one thousand and Twenty five Ounces of Silver Plate.

[Passed, September 1, 1716.]

Be it Enacted by his Excellency the Governour, Councill and General Assembly, & by the Authority of the Same; That the Treasurer of this Colony Pay to his Excellency, Robert Hunter, Esq'r his Execut'r or Assigns, out of the Publick money that is or Shall come into his hands, (the Excise Money Excepted) Seven hundred & Fifty Ounces of Silver Plate, or the value thereof in Lyon Dollars or Bills of Credit made Current in this Colony, for Defraying the Charges of Soliciting the Royal Assent to the Act, Entituled, An Act for paying & Discharging Debts & Sums of Money Claimed as Debts of the Colony, to the Persons therein named, & to make & enforce the Currency of Bills of Credit to the value of Twenty Seven thousand Six hundred and Eighty pounds for that purpose, &c And Two hundred Seventy five Ounces of like Money, intended, but by mistake Omitted to be mentioned in the Said Bill.

[CHAPTER 323.]

[Chapter 323, of Livingston & Smith and Van Schaack, where the title only is printed. This act is not printed in Bradford, 1732 ed., or in Baskett. Revived by chapter 371.]

An Act appoynting an Agent for this Colony at the Court of great Britain, & for Raising of money Annually to Defray the Charge thereof, in the roome of John Champante, Esq'r decec'd.

[Passed, September 1, 1716.]

That his most Sacred Ma'ty may be duely Informed of the Exact Condition & State of his Colony of New York, Be it Enacted by the Gov'r, Council & General Assembly, & by the Authority of the Same, That Ambrose Philips, Esq'r be, and hereby is appointed an Agent for this Colony, to attend his Ma'ty & Ministers of State, pursuant to Such Directions & Instructions as he Shall, from time to time, receive from the Gov'r & Council, or the General Assembly of this Province; Provided, Such Instructions & Directions as, shall be given by the Governour and Council in this Province, be Signed by the Gov'r & the Majority of the Council in the Colony; & Such Instructions & Directions as Shall be given by the General Assembly, shall be Signed by the Major part of the s'd Assembly, & the Speaker of the Same, for the time being; & that the said Agent shall not observe any other Orders or Instructions but such as come to him Signed as above Directed. And for the better Enabling the Said Ambrose Philips to Discharge the Say'd Trust, for the benefit of this Colony,

Be it Enacted by the Authority aforesaid, That the Treasurer of this Colony, for the Time being, shall, out of any publick Money, at any time in his hands, not appropriated, Remit by Bills of Exchange, or Spanish plate, to the Said Ambrose Philips, or his Assigns, Yearly, the Sum of Three hundred & seventy five Ounces of Plate, as a Reward for his Trouble & Diligence, & the Sum of One hundred and Twenty five Ounces of Plate to be Imployed & Disburst for fees, Solicitations And other Necessary Charges, for the Service of this Colony, to be accounted for by the Said Ambrose Philips, Provided, That the Said Three hundred & Seventy five Ounces, & One hundred & Twenty five Ounces of Plate, be not sent or Remitted the Said Ambrose Phillips but by an order of the General Assembly of this province, Signed by the Speaker of the Same, for the time being.

This Act to be in force from the Twenty fifth Day of December now next Ensuing, & for the Space & term of Two Years then next following, & no Longer.

[CHAPTER 324.]

[Chapter 324, of Livingston & Smith and Van Schaack, where the title only is printed. This act is not in Bradford, 1732 ed. Printed in full in Baskett, p. 224. Expired, July 1. 1720. See chapter 273.]

An Act to oblige all Vessels Trading into this Colony, Except such as are therein Excepted, to pay a Certain Duty, & for the further Explanation & Rendring More Effectual Certain Clauses in an Act of General Assembly of this Colony, Entituled, an Act, by which a Duty is Lay'd on Negroes & other Slaves Imported into this Colony.

[Passed, September 1, 1716.]

WHEREAS Disputes do often arise on the Collecting of the Duties on the Tonnage of Vessells, To prevent therefore the Same for the future, Be it Enacted by his Excellency the Gov'r, Council & General Assembly, & by the Authority of the Same, That there be given and Granted to his Ma'ity, his heyers & Successors, for & towardes the Supporting of his Government in the Colony of New York, the Duty and Imposition following, on the Tonnage of all Vessels trading in this Colony, from the Publication of this Act, to the first day of July, in the Year Seventeen hundred & Twenty, & no longer, that is to say, Seven peny weight & a half in good Coyn'd Plate, Civill, Pillar or Mexico, or Bills of Credit made Current in this Colony, to the Value thereof Pr Ton, according to the Tonnage of the Ship or Vessel, and the Comander, Master, Owner or Owners of any Such Vessel or Vessels, Shall be obliged to Report, Enter & pay the Duty, according to the Guage of his or their Vessel or Vessels, under the Same pains, penalties, Regulations, Restrictions Conditions & forfeitures Mention'd & Contain'd in an Act of the General Assembly of this Colony, past in the Thirteenth Year of her late Ma'itis Reign, Entituled, an Act for Levying & paying the Several Duties therein Mentioned for the Use of this Colony. And The person or Persons appointed or to be appointed for the Collecting the Same, shall be Invested with all & every the powers and

Authorities prescribed And Directed in and by the Said Act. Provided always, and it is the True Intent & meaning of this Act, that all Coasting Sloops belonging to the Massachusets, Rhode Island, Connecticut or New Jersey, whilst their Navigation is to & from Those parts, Ships or other Vessels built in this Colony, or wholly owned by the Inhabitants thereof, are & shall be Excepted. And whereas, by Register, often it appears, that Ships & other Vessels not built in this Colony, do wholly belong to the Inhabitants of the same, & before their Departure out of this Colony, are Transfir'd & made over to Straingers and other Persons beyond the Seas, with an Intent to frustrate the true intent & meaning of this Act, To prevent therefore the Like of Such frauds & abuses for the future, Be it therefore Enacted by the Same Authority, That the Officer appointed, or to be appointed, shall & is hereby Authorized & Impowered to Demand an Oath of any Owner or Owners of any Ship or other Vessel not built in this Colony, which Oath shall be given before the Mayor of the City of New-York, or before any Justice of the peace for the time being, & that at any time before the Departure of Such Vessel, so by the said officer Suspected, That Said Vessel or Vessels do wholly belong to the Inhabitant or Inhabitants of this Colony, & on Refusing to take Such an Oath, Shall forfeit the Sum of fourty pounds Current Money, to be Recovered & applyed in manner & form as is Directed, Expressed, Intended & Prescribed in an Act of General Assembly made in the Thirteenth Year of Her Late Ma'itys Reign, as abovesaid.

AND WHEREAS by one Act of General Assembly of this Colony, Entituled, an Act for a Supply to be granted to his Majesty, a Duty is Layd on Negro Slaves Imported from Africa, & the West Indies, which Clauses, as they now stand in the Act, may admit of Doubts & Disputes, To prevent therefore the Same, Be it Enacted by the Authority aforesaid, That there be paid for every Negro Slave Imported Directly from Africa, In Vessels wholly owned by the Inhabitants of this Colony, the Sum of five Ounces of plate aforesaid, or Bills of Credit made Current in this Colony, to the Value thereof; & that the Duty of Ten ounces of Like plate, or Bills of Credit, as aforesay'd, be pay'd for Each Negroe, Indian or Mulatto Slave Imported into this Colony, in any Vessel directly from Africa not wholly owned by the Inhabitants of this Colony. And that the Like Duty of Ten ounces of Plate or Bills of Credit, to the Value thereof, be paid for Each Negro Indian or

Mulatto Slave Imported into this Colony from any parts of the West Indies, or any of the Neighbouring Colonys Imported or otherwise brought into the same; all Negroes or other Slaves belonging to the Navigation of any Ships, Sloop or other Vessel, & Slaves belonging to the Neighbouring Colonies going to & from one Colony to the other, on the Service of their Owners, Masters or Mistresses, only Excepted; & the Said Duties to be Collected & Levy'd by the Officer or Officers appointed for Collecting the Same, in Such Manner & under Such Restrictions, Limitations Directions, pains, penalties & forfeitures as is Contained, Mentioned, Meant, Expressed & Intended in & by an Act of General Assembly of this Colony made in the Thirteenth Year of her Late Majesties Reign, Entituled, an Act for Levying & paying the Several Duties Therein Mention'd, for the use of this Colony heretofore mentioned.

And be it Enacted by the Authority aforesaid, That all Masters of Vessels, or other persons, who shall be Suspected by the Officer to have Imported, or other wayes brought into this Colony any Negro or other Slaves, such Master or person or persons so Suspected, Shall be Obliged to give his Oath before the Mayor of the City of New York, or any Justice of the peace, for the time being, how many Negroes or other Slaves he or they brought into the same; & on the Refusal to take Such an Oath, shall forfeit Double the Sum Layd And Imposed by this Act for Every Negro or other Slave so Imported, to be applyed & Recover'd in manner & form as above Exprest; any thing to the Contrary hereof in any ways notwithstanding. Provided alwayes, & it is the true Intent & meaning hereof, that no Negroe or other Slave that shall be Imported, as abovesaid, under the Age of four Years, ye Master or Owner thereof Shall not be obliged to pay any Sum or Sums of Money for the same; But in Case any Difference Might arise Between the said officer and ye said Master or Owner of any Negro or other Slave, Relating to their Age, then & in Such Case the Said Negroe or Negroes, or other Slave or Slaves, shall be brought before any Two Justices of the Peace of the City & County of New York, who are hereby Impowered to View the Said Slave or Slaves, & Their Detirmination Shall be binding to both Parties.

And be it further Enacted by the Authority afores'd That all Ships or other Vessels that shall not be built in this Colony, altho' wholly owned by the Inhabitants of this Colony, shall be

lyable to the Said Duty of Tonnage from & after the Publication hereof, Except as hereinbefore Expressed.

Provided alwayes, & it is hereby declared & Enacted by the Authority aforesaid, That no other or further Duty or Imposition shall or may be Exacted for The Tonnage of Ships or other Vessels, or on the Importation of Negroes or other Slaves, unless as in & by this Act is Mentioned, laid, Imposed & Exprest, any thing in this Act, or any former or other Act of Assembly to the Contrary hereof in any wise notwithstanding.

[CHAPTER 325.]

[Chapter 325, of Livingston & Smith and Van Schaack, where the title only is printed. This act is not in Bradford, 1732 ed. Title only is printed in Baskett, p. 226. Provided for by chapter 387.]

An Act nominating Commissioners to Farme the Excise thro the Colony.

[Passed September 1, 1716.]

WHEREAS by an Act of General Assembly of this Colony, made in the twelfth Year of Her late Majestys Reign, entituled, an Act for laying an Excise on all strong Liquors Retailed in this Colony, It is amongst other things Enacted, That there shall be given and Granted unto her Ma'tie, her Heirs & Successors, from the first Day of November, in the Year of our Lord One Thousand Seven hundred & Fourteen, until the first Day of November, which shall be in the Year of our Lord One Thousand Seven hundred & Thirty four, for the Uses in the Say'd Act mentioned and Expressed, an Excise upon all Strong Liquors Retailed thro'out this Colony under the Quantity of Five Gallons (Beer & Syder only Excepted) to wit, the Eighth part of an Ounce of Sevil, Pillar or Mexico Plate for every Gallon so Retailed, & Three quarters of an ounce of the Say'd Plate for every Barrel of Beer or Syder; To the end therefore, that the Say'd Duty of Excise may be orderly Collected, and managed to the best Advantage, for & towards the Uses in the Say'd Act Expressed,

Be it Enacted by the Governor, Councill and General Assembly, & by the Authority of the Same, That the Persons hereinafter named, shall be, & are hereby appointed Commissioners for one Year next ensuing, to Commence from the first Day of August, One Thousand Seven hundred & Sixteen, to let the say'd Excise to Farm thro'out the Citys & Countyes of this Collony, for

which they shall be named (that is to Say) For the City & County of New York, Johannes Jansen, John Cruger & Phillip Schuyler, Esq'r. For the City and County of Albany, Phillip Livingston & Thomas Williams, Esq'r.

For the County of Suffolk, Robert Hudson, Esq'r.

For Queens County, Major Isaac Hicks.

For Kings County, Coll: Richard Stilwell.

For the County of West Chester, Capt. Joseph Budd.

For the County of Ulster, Maj'r Johannes Hardenbergh & Capt. Johannes Rutsen.

For Dutches County, Capt. Leonard Lewis.

For the County of Richmond, Mr. Paul Droilhet.

For the County of Orange, Capt. John Corbet.

And be it further Enacted by the Authority aforesaid, That the said Commissioners for the Cityes or Countyes for which they are named, are hereby Required, authorized and Impowered to Let to Farm the aforesaid Excise in their Respective Citys & Countys, to the Several Retailers of Strong Liquors, dwelling within the Same, on the first Tuesday in October, or at any time thereafter, for the most Sum or Sums of Money The Said Commissioners can get, for the greater Increase of the Said Excise, granted by the Said Act, publick Notice shall be first given of the time & place Such Farming is appointed, to be made by fixing Advertisements thereof in the most Publick Places in every Respective City, County, Town, Mannor & Precinct, Ten days before the time the same is to be farmed, as aforesaid. And the Said Comm'rs are hereby Requiréd to see that good & Sufficient Security, by Recognizances, be given by all and every Person or Persons that shall Farm the Same, as aforesaid, Conditioned, That they pay the same Quarterly, by equal and even payments, into the hands of the Respective Comm'rs that shall Let the Same, who are hereby appointed to Receive the Same; & in two Monthes after the Excise Shall be Farmed, to give the Treasurer of this Colony a true acco't of the Sum & Sums it hath been Farmed for, according to the Intent of this Act. And be it firther Enacted by the Authority aforesaid, That it shall and may be Lawful to & for the Said Commissioners, Respectively, to Examine, Upon Oath, every Retailer they shall agree with, Respectively, for the Excise as aforesaid, what they pay'd formerly for the Same.

And be it firther Enacted by the Authority aforesaid, That the Said Comm'rs are, Respectively, hereby Required & Impowered

to Sue all and Every Such Retailer & Retailers, their Surety & Sureties, that Shall not duley pay the Sum & Sums of Money he, she or they have agreed to pay for the Excise aforesaid, at the time & times in their Several Recognizances mentioned & Exprest, before any Three of His Majesties Justices of the Peace, one whereof to be of the Quorum of the City or County where such Retailer or Retailers do Resyde, who are hereby Required, authorized & Impowered to make out Process against such Retailer or Retailers, & finally to hear & Determine The Same, & award Execution upon his, her or their Recognizance or Recognizances, against the Goods & Chattles, Lands & Tenements of the Said Retailer or Retailers, his, her & their Surety & Suretyes, and Law, Usage or Custom to the Contrary hereof in any ways notwithstanding.

And be it further Enacted by the Authority aforesaid, That the Said Commissioners, & every of them, do enter into Bond or Recognizance to his Majesty, his heirs and Successors, at or before the first Day of October next, with Sufficient Suretyes, to be approved of at least by two of his Maj'ts Justices of the Peace of each Respective City & County within this Colony.

FOR the City & County of New York, the Sum of Twelve hundred pounds.

FOR the City & County of Albany, the Sum of Two hundred pounds.

FOR the County of Ulster, the Sum of Sixty pounds.

FOR Dutches County, the Sum of Twenty pounds.

FOR Orange County, the Sum of Twenty pounds.

FOR West Chester County, the Sum of Sixty pounds.

FOR the County of Richmond, the Sum of Sixty pounds;

FOR Kings County, the Sum of Sixty pounds.

FOR Queens County, the Sum of One hundred & Fifty pounds and For Suffolk County, the Sum of One hundred & Fifty pounds, with Condition, That they pay Quarterly, by even & Equal payments, into the hands of the Treasurer of this Colony, for the time being, who is hereby appointed to receive the Same, all such Sum & Sums of Money as they shall have Respectively Received for the Excise afores'd, within Thirty Days after the Same is come, Respectively, to their or either of their hands, together with an Exact acco't of what is not by them Rece'd, & for which they have put the Recognizances in Suit, if any there be, which when Recovered, they are forthwith to pay Into the Said Treasurer, in Manner aforesaid.

And be it firther Enacted by the Authority aforesaid, That the Say'd Commissioners, & every of them, shall and may Retain in his & their hands, out of the Money arising by the said Duty & Excise, for their Trouble & Services, the Sum of Ten per Cent.

And be it further Enacted by the Authority Aforesay'd, That if any of the Respective Com'rs appointed by this Act, Shall Dye, deny or Refuse to Serve, then it shall and may be Lawful for the Mayors & Aldermen within the Citys & Countys of New York and Albany, & the Justices of the Peace in the Several Countyes within this Colony, or the Major part of them, under their hands & Seals, to appoint other Comm'rs in their Stead; & the Commissioners So appointed, Shall have the Same power & Authority as the Comm'rs herein before appointed, until the Gov'r, Council & Assembly shall either confirm them or appoint others.

And be it further Enacted by the Authority aforesaid, That if any of the Commissioners hereby appointed, or to be appointed as aforesaid, shall Directly or Indirectly, Either by themselves or their Servants, or by any other person or persons whatsoever, In Trust for them, Retail any Wine, Beer, Rum, Cyder, or any other Strong Liquor or Liquors within the Time Limitted by this Act, Every Such Commissioner or Commissioners shall forfeit for every Such offence, the Sum of ffifty pounds Current Money of this Colony, to be Recovered in any Court of Record within this Colony, One half whereof to be to his Ma'tie, his heirs and Successors, and the other half to the person or persons who shall prosecute or Sue for the Same.

THE SEVENTEENTH ASSEMBLY.

Third Session.

(Begun April 25, 1717, 3 George I; Robert Hunter, Governor.)

[CHAPTER 326.]

[Chapter 326, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1732 ed., p. 133. Title only is printed in Baskett, p. 229. Revived by chapter 368.]

An Act for Laying a Duty on Goods Sold by Auction, Vendue or Out-Cry.

[Passed, May 14, 1717.]

Be it Enacted by the Governour Council & Generall Assembly of the Colony of New York, and by the Authority of the same;

That there be Given & Granted to his Majesty, His Heirs & Successors, on Every Hundred Ounces of Plate Value of Goods, Wares and Merchandize, of what Kind soever, that Shall be Sold within this Colony at publick Vendue, Auction or Out-Cry (goods belonging to the Crown, ye Excise, Houses, Lands, Ships, Vessels, Goods and Effects of Deceased persons, Goods taken in Execution, House-hold-goods, or Utencils for Husbandry, and all Horses, Neat Cattle, hogs, and Sheep Only Excepted). The Sum or Quantity of Three Ounces of Civil, Pillar or Mexico Plate, or Bills of Credit made currant in this Colony, and so in Proportion for a Greater or lesser quantity, During the Time and Term of Two Years, from and after the Publication of this Act.

And be it Enacted by the Authority aforesaid. That for the better Securing the payment of the Duty aforesaid, The Vendu Master, or whatsoever Person or Persons, Shall Expose any of the aforesaid goods or Merchandize (Except what is before Excepted) at Publick Auctions, Vendue or Out-Cry, Shall at the Expiration of every three Months, or within fouerteen Days after the Said Three Months, give an Exact and true Account to the Treasurer of this Colony, for the time being, upon Oath, Which Oath the Treasurer of this Colony is hereby Impoured to Administer, of all Goods and other things above Mentioned, by him or them Sold at Auction, Vendue, or Out-Cry, Chargeable by this Act, & Pay, or Cause to be Pay'd to the Said Treasurer for Every Hundred Ounces Value Sold, as aforesaid, The Sum or Quantity of Three Ounces of Plate aforesaid, To be applyed to Such Uses as the Governour, Council & General Assembly Shall think fit.

AND be it further Enacted by the Authority aforesaid, That Every Vendue Master within this Colony, or Such or other Person or Persons as Shall Sell any of the Goods or Effects Liable to pay the Duty, as aforesaid, at Publick Vendue, Shall in a Book for that purpose, Keep an Exact Account of all Such Goods and Effects as be by him or them Sold by Publick Auction, Vendue or Out-Cry, Chargable by this Act, & for his Trouble & pains for Keeping the Said Books, Rendring the Accounts and paying in the Money to the Treasurer of this Colony, Shall Retain in his hands the Sum of Five Ounces of Plate aforesaid, for every Hundred Ounces of Plate he or they Shall pay unto the Treasurer of this Colony for the Time being.

AND be it further Enacted by the Authority Aforesaid, That the Vendue Master or Other Person Selling Goods or Other Effects by way of Auction, Vendue or Out-Cry, Shall Enter into Recognizance to his Majesty, His Heirs & Successors In two hundred Pounds, with Sufficient Suerty, to be Approved of by the Speaker of the Generall Assembly for the time being, to pay the Duty Imposed by this Act. And if Any Vendue Master within this Colony, Shall Deny or Refuse to give the Surety of him or them Required by this Act, Every Such Vendue Master, or other Person as aforesaid, Denying or Refusing to give Such Suretys as aforesaid, Is hereby Declared Incapable of Executing that Office untill Such time as he or they Shall give the Surety by this Act Required.

And for the better Enabling the Vendue Master, or whatsoever Person or Persons that Shall Sell Goods at Vendue, Auction or Out-Cry, to Receive and pay in the Duties Arising by this Act, within the Respective time here in before Limitted & Appointed, BE IT ENACTED BY THE AUTHORITY AFORESAID, that if any Person or Persons, Owner or Owners of any Such Goods so Sold, as aforesaid, & for which the Duty herein before Expressed Shall become due, Shall after Such Sale Thereof & Demand of Such Duty by the Said Vendue-Master, or any Other Person or Persons Selling the Same, Neglect or Refuse to pay to the Said Vendue Master, or other Person or Persons, the Duty Arising on Said Goods, as aforesaid, that then it Shall and may be Lawful for the Vendue Master or Other Person or Persons, and he & they are hereby fully Authorized & Impowered on Such Demands & Non-payment thereof, to Distrain the Goods & Chattles of Such Person or Persons so Refusing or Neglecting, as aforesaid, & the Distress So Taken, to Keep for the Space of Ten Days, at the Cost and Charge of the Owner thereof, and if the Owner do not pay the Said Sum or Sums of Money so Distrained for, within the Ten Days, then the Said Distress to be Publickly Sold by the Said Vendue Master, for the payment of the Said Money, & the Over-plus coming by the Said Sale (If any there be) Over and above the Charges of Taking & Keeping & Selling the Said Distress, to be Immediately Restored to the Owners thereof.

And be it further Enacted by the Authority aforesaid, That the Act of Assembly made in the First Year of His Majesties Reign, Entituled, An Act for Laying a Duty on Goods Sold by

Auction, Vendue or Out-Cry, and every Clause and Article therein contained, is and are hereby Repealed and made void to all intents and purposes whatsoever.

[CHAPTER 327.]

[Chapter 327, of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Bradford 1732 ed., p. 173; Baskett, p. 229.]

An Act to Enable the Mayor, Aldermen and Commonality of the City of New York, to Raise the Sum of Five hundred pounds, for Altering the Course of the Common Sewer at the End of the Broad-Street, and for Cleansing and Scowering the Dock of this City.

[Passed, May 14, 1717.]

WHEREAS in the Dock within this City of New York, Violent suddain Rains and the great Confluence of water from Several Streets of the City, unto the Broad-street, and from thence unto the Dock, brings such Large Quantities of Dirt, Sand, Rubbish, Ouze and Mudd, which Setles and Lodges itself in the Bason of the said Dock, Occasions an Insupportable Charge for Cleansing and Scowering of the Same, for the future may be prevented by Extending or Altering the Course and passage of the said Common Sewer, to Convey the Same Clear of the said Dock into the East River. AND WHEREAS the publick Rents and Yearly Incomes of the said City are at present so Small, that they are not Sufficient to Defray the publick and Nessesary Charge thereof, To the End that the Same Dock and the Wharffs thereof may be Cleansed, Scowred and Repaired, so as to make it Serviceable for the Receiving and Harbouring of Vessels, Be it therefore Enacted by the Governour, Council and Gen'll Assembly of this Colony, And it is hereby Enacted by the Authority of the same, That it shall and may be Lawful for the Mayor, Aldermen and Commonality of the City of New York, for the time being, in Common Council Convened, any nine whereof, the Mayor and Recorder to be Two, to Order the Raising of the Sum of Five hundred pounds Current Money in this Colony, by a Tax upon the Freeholders and Inhabitants of the said City and County, within the Term of One year next after the publication hereof, to be

Assessed, Collected and paid on or before the first Day of September next Ensuing, pursuant to which Order of Common Council, So as aforesaid to be made, the Mayor of the said City shall forthwith thereupon, Issue out his Warrants to the Assessors Collectors of Each Respective Ward within the said City and County, Requiring them to make such Assessment and Collection, and to pay the same to the Treasurer of the said City, for the time being, or to such other person or persons as the said Mayor, Aldermen and Commonality, or any Nine of them, whereof the Mayor and Recorder to be two, shall think fitt to appoint for that purpose, in such Convenient times as shall be agreed upon by the said Mayor, Aldermen and Commonality, or such nine of them as aforesaid, which said sum of Five hundred pounds shall by the Treasurer aforesaid, or such person or persons as shall be so, as aforesaid, appointed to Receive the same, be paid to the uses hereinafter mentioned and Expressed, and to no other use whatsoever, & Accounted for in such manner and fform as other publick Moneys in the hands of former Treasurers of the Said City have, or ought to be accounted for. AND BE IT further Enacted by the Authority aforesaid, That the said Sum of five hundred pounds to be Raised by Virtue of this Act, shall be and is hereby Appropriated to and for the Carrying the said Comon Sewer from the end of the said Broad-Street, Through the Said Dock, into the East-River as the said Mayor, Recorder, Aldermen and Commonality shall think Convenient, And for Cleansing and Scowering of the Bason of the said Dock from all Dirt, Rubbish, Ouze, Mud and sand, so as to Render it useful and Serviceable for the harbouring and Sheltering of Vessels, Especially in the Winter Season, and for Repairing and Mending of the publick Wharff of the said City.

AN BE IT FURTHER ENACTED by the Authority aforesaid, That if any person or persons Shall Refuse or neglect to pay the sum so by virtue of the Act Rated and Assessed, the Collector Shall have power to Levy the same by Distress and Sale of the Offenders goods and Chattels, with Reasonable Charges of Distress, Restoring to the owner the Over-plus, if any be.

AND BE IT FURTHER ENACTED by the Authority aforesaid, that it shall be in the power of the said Mayor, Aldermen and Commonality, or any Nine of them, whereof the Mayor and Recorder to be Two, to appoint such person or persons as they

shall think fit, to be Overseers of the said Work, and to purchase Materials Nessessary, and agree with Work-men, and to order the payment of the Said Money for the uses aforesaid, as they shall think fitt.

[CHAPTER 328.]

[Chapter 328, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1732 ed., p. 174; in Baskett, p. 233, as having been passed in November, 1717. That part of this act that reduced interest to six per cent repealed by chapter 360. The whole act expired May 27, 1722.]

An Act for the Restraining the taking of Extravagant and Excessive Usury.

[Passed, May 27, 1717.]

WHEREAS the Great and Excessive Usury now Commonly taken in this Province is found to be a very great Discouragement to the Trade, and an Obstruction to the Settlement of the Same; for Remidying and preventing of which for the future, be it Enacted by the Governour, Council and General Assembly, and by the Authority of the Same, That no person whatsoever shall after the Publication of this Act, take, directly or Indirectly, any greater Use or Interest that Six pounds, Current Money of this Province for the forbearance of one hundred pounds for a Year, And so after that Rate for a greater or Lesser Sum, or for a Longer or Shorter time, for the Loan of any Moneys, Wares, Merchandizes, or any Commodities whatsoever. And that all Bonds, Contracts and Assurances of what nature and Kind Soever they be, made after the Time aforesaid, for payment of any Principal or Money, Goods, Wares, Merchandize or Commodities Lent, or Covenanted, to be performed, upon or for any Usury or Interest, whereupon or whereby there shall be Reserved or Taken, directly or Indirectly, above The Rate of Six pounds in the hundred, as afforesaid, Shall be utterly void, and that all and every Person or Persons whatsoever which shall, after the time afforesaid, upon any Contract to be made after the Publication of this Act afforesaid, by way or means of any Bargain, Loan, Exchange, Chevisance, Shift, of any Wares or Merchandizes, or other thing or things whatsoever, or by any Deceitfull [way or means, or by any Covin, Craft, Invention, fetch or Deceitfull] Conveyance, or under the notion of broakage, Storage, procurage, Service, or by any other ways or means whatsoever, it be Contrary to the true

Intent and meaning of this Act or to Elude and avoid the Ends and Intention thereof, take, accept or Receive, Directly or Indirectly, for the forbearing or giving Day of Payment for one whole Year, of and for their Money, or other thing, above the Sum of Six pounds for the forbearing of one hundred pounds for a Year, and so after that Rate for a Greater or Lesser Sum, or for a Longer or Shorter Term, Shall forfeit and Lose for every Such Offence, the Treble Value of the Moneys, Wares, Merchandize and other Things so Lent, bargained, Sold, Exchanged, Shifted, Stored or Procured. [And be it further Enacted by the Authority afforesaid, That all and every Scrivener and Scriveners, Broker and Brokers, Solliciter and Solliciters,] Practicioner of the Law, and Practicioners, Driver and Drivers of Bargains for Contracts, who shall, after the time aforesaid, take or Receive, directly or Indirectly, any Sum or Sums of Money, or other Reward, or thing for Broakage, Soliciting, Driving or Procuring the Loan or bargain, or the forbearing of any Sum or Sums of Money, over and above the Rate or Value of Ten Shillings for the Loan, or for forbearing of one hundred pounds for one Year, And so proportionably for a Greater or Lesser sum, or above Eighteen Pence for the making or Renewing a Bond or Bill for the Loan, or for the forbearing thereof, or for any Bond, Counter-bond or Bill concerning the Same, Shall forfeit for every Such Offence Twenty pounds, and have Imprisonment for half a Year; The one Moyetie of all which forfeitures mentioned in this Act, to his Majesty, His Heirs and Successors, and the Other Moyetie to him or them that will Sue for the Same in any Court of Record within this Province by Action of Debt, bill, plaint, or Information, in which no Essoin, Wager of Law or Protection to be allowed. Provided Always and it is the true Intent and Meaning of this Act, That all Bonds or Mortgages Executed before the Publication of this Act, the Obliger or Mortgager, his Heirs, Executors or Administrators Shall pay to the Obligee or Mortgagee, his Executors, Administrators or Assigns until the time of Payment of such Bond or Mortgage, Such Interest for the forbearance of the Money due by the Same, as the Said Obligor or Mortgager, Agreed to pay to the Said Obligee or Mortgagee.

This Act to Continue and be in force for and during the Space of Five Years after the Publication thereof, and no longer.

[CHAPTER 329.]

[Chapter 329, of Livingston & Smith and Van Schaack, where the title only is printed. This act is not in Bradford, 1732 ed. Title only is printed in Baskett, p. 231.]

An Act to enable Mary the Widow and Executrix of John Corbett Dec'd to convey & assure a certaine dwelling house and Tenement and the ground thereunto belonging Scituate and being on the West side of the broad street in the City of New York.

[Passed, May 27, 1717.]

WHEREAS John Corbett in his Life time, in order to Raise money for the payment of his just debts, did order the Vendue master, by publick out-cry, to make Sale of his certaine dwelling house and Tenement with the ground thereunto belonging, Scituate and being on the West side of the broad-street, in the City of New York, between the Houses Late of Caleb Cooper on the South Side, and house of Coonraed Teneyck on the North side, which was performed and executed by the Vendue Master, on the Twenty Seventh day of September One thousand Seven hundred and Sixteen And one of the Conditions of Sale made for the Same was, that the Said John Corbett Should give a good title to the buyer or purchaser thereof, and also put the purchaser into Possession thereof the first day of May then next following. And Patrick Macknight as highest bidder did purchase the Same, but so it is that by the will of God before the Same bargaine and Condition could be performed to wit the Seventeenth Day of January One thousand Seven hundred and Sixteen the Said John Corbet departed this Life It being the earnest desire & Request of the Said Mary the Widow and Executrix of the Said Deceased that the just and pyous intent of her Said Deceased Husband should be made effectual.

BE IT THEREFORE ENACTED by his Excellency the Governour the Council and Representatives of this Colony in Generall Assembly meet and assembled and it is hereby Enacted and Ordained by Authority of the Same That it shall and may be Lawfull from henceforward and at any time hereafter to and for the Said Mary the Widow and Executrix of the said John Corbett to finish and compleat the Same agreement or bargaine so made of the Same Dwelling house and Tenement with its Heredita-

ments and Appurtenances unto the Said Patrick Macknight and in case he the Said Macknight dos not comply with the aforesaid conditions of Sale to any other person or persons whomesoever And the Same Mary is hereby fully authorized and Impowered to Seal and Execute all maner of Deeds or Instruments in Writing and to Act and do all Lawfull & necessary Act and Acts thing and things needfull and necessary for the Assuring and confirming of such sale or Sales to be made thereof to the Said Patrick Macknight or to any other Person or Persons whomsoever which Conveyance or Assurance of the Said Dwelling house and other the Premises shall be as good and effectuall by her as if the Same were done and perfected by the Said John Corbett in full Life being the Omission of Punctuall time of performance and Delivering of possession or any other Defect neglect or Inperfection in any waies notwithstanding, PROVIDED allways that it Shall not be in the power of the Said Widow to alter the Pious intent of the Testator of applying the Consideration money coming by the Sale towards the discharg of his just Debts.

[CHAPTER 330.]

[Chapter 330, of Livingston & Smith and Van Schaack, where the title only is printed. This act is not in Bradford, 1732 ed. Title only is printed in Baskett, p. 231.]

An Act Declaring a Sloop now upon the Stocks in the Colony of Connecticut belonging to Mr. Jacob Moene free from the Duty of Tonnage.

[Passed, May 27, 1717.]

WHEREAS the Said Mr. Jacob Moene of the City of New York by his Peti'con presented to the General Assembly, Set forth, That before the Publishing an Act entituled an Act to Oblige all Vessels Trading into this Colony, Except Such as are therein Excepted, to pay a Certaine Duty & for the further Explanation and rendring more Effectual certain Clauses in an Act of General Assembly of this Colony, Entituled an Act, by which a Duty is laid on Negroes & other Slaves Imported into this Colony, the Said Jacob Moene had a Sloop more than half built in the Said Colony of Connecticut & is now ready to be Lanched, which Said Sloop he designed Should Sail out of this Port of New York Therefore prays he may be free from the said Duty of Tonnage.

BE it therefore Declared and Enacted by the Governour

Council and General Assembly and by the Authority of the Same. That the Said Sloop so by him built in the Said Colony is by this Act acquitted freed and Discharged from paying the Said Duty of Tonnage and the penalties and Forfeitures Expressed in the Said Act hereinbefore mentioned, or any other Act, to all Intents and purposes whatsoever Dureing such time only as the Sole and Intire propperty of the said Sloop doth or shall Actually and bona fide belong to the Inhabitants of this Province.

[CHAPTER 331.]

[Chapter 331, of Livingston & Smith and Van Schaack, where the title only is printed. This act is not in Bradford, 1732 ed. Title only is printed in Baskett, p. 231.]

An Act Declaring a Sloop called the Good Intent built at New Port in Rode Island belonging to Messeirs Benjamin Faneuil Thomas Bayeux Andrew Fresneau and David Minvielle free from the Duty of Tonnage.

[Passed, May 27, 1717.]

WHEREAS the Said Messeirs Benjamin Faneuil Thomas Bayeux Andrew Fresneau and David Minvielle Merchants of the City of New York by their Pet'icon presented to the General Assembly Setting forth, That Some Small time before the Publishing of An Act entituled an Act to Oblige all Vessels Trading into this Colony Except Such as are therein Excepted to pay a Certain Duty, and for the further Explanation and rendring more effectual certain Clauses in an Act of General Assembly of this Colony entituled an Act by which a Duty is laid on Negroes and other Slaves Imported into this Colony Wherein amongst other things it is Enacted That all ships or other Vessels that Shall NOT be built in this Colony although wholly Owned by the Inhabitants of this Colony Shall be lyable to the Said Duty of Tonnage from and after the Publication thereof Except all Coasting Sloops belonging to the Massachusets Rode Island Connecticut or New Jersey whilst their Navigation is to & from thoses Parts, or other Vessels built in this Colony or wholly owned by the Inhabitants thereof, are and shall be Excepted, Did send and Direct their Factor to Rode Island to purchase a Sloop therefor them in Order to Sail out of this Port of New York which by the Distance of Places was Impossible for them

the Said Messeirs Benjamin Faneuil Thomas Beyeux Andrew Fresneau and David Minvielle to Contradict before the Said Act was Published. Therefore humbly prayed the Said Sloop might be Cleared from paying the Said Duty of Tonnage.

BE it therefore Enacted and Declared by the Governour Council & General Assembly and by the Authority of the Same, That the said Sloop is by this Act acquitted freed Exempted and Discharged from paying the Said Duty of Tonnage and the Penalties & Forfeitures Expressed in the Said Act hereinbefore mentioned, or in any other Act, to all Intents and purposes whatsoever Dureing such time only as the Sole and Intire propperty of the Said Sloop doth or shall Actually and bon afide belong to the Inhabitants of this Province.

[CHAPTER 332.]

[Chapter 332, of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Bradford, 1732 ed., p. 173. Printed in full in Baskett, p. 231.]

An Act for building a County House and Prison in Dutches County.

[Passed, May 27, 1717.]

Be it Enacted by the Governour, Council and General Assembly, and by the Authority of the Same, That the Justices of the Peace for the Say'd County, or any two of them, with the Judge of the Common-pleas of the Said County, are hereby Authorized, Impowered & Required, within forty Days after the Publication of this Act, to Meet together within the Said County, to Issue forth their Warrants under their hands and Seals, to the Constables of the Said County, Requiring all and every of them to warn all the Freeholders inhabiting within the Said County, to meet at a certain time and place within the Said County, and there by Plurality of Voices elect and appoint two able and Sufficient Free-holders of and Inhabiting in the Said County to be Supervisors and Directors for Building the Said County House and Prison; at or near the most Convenient place at Poghkepse.

And be it further Enacted by the Authority aforesaid, That the said Supervisors and Directors are hereby Required and Directed to Cause to the Said County-House and Prison to be Built and Erected in manner aforesaid within Three Years next and after the Publication hereof.

And be it further Enacted by the authority aforesaid, That for Defraying the Necessary Charges of Building and Finishing the Said County-House and Prison aforesaid, within the Said time, There be raised; Levied, Collected and paid by the Free-holders, Inhabitants Residents and Sojourners of and in the Said County, within the Time of Three Years aforesaid, in Such proportions as the Said Supervisors and Directors Shall think fit, to the Treasurer of the Said County, for the time being, Such Sum & Sums of Money as they shall think Requisite and necessary for the Same, Provided, the Same do not Exceed the Sum of Two hundred and Fifty Ounces of good Mexico, Pillar or Sevil Plate, or Value thereof in Bills of Credit made Current in this Colony, which Said Sum is to be Raised, Levied, Collected, paid and Disposed of, for the uses aforesaid, in Such way, and in Like manner, and under such Pains Forfeitures, Regulations and Directions, as all other due and necessary Charges of the Said County, or any other County within this Province, are by Law Raised, Collected and paid, for the Use aforesaid, any Law, Usage or Custom to the Contrary in any wise notwithstanding.

And be it further Enacted by the Authority aforesaid, That the Said Treasurer is hereby Appointed and Required to Pay the Said Money hereinbefore to be Collected and paid to him, to Such Uses as is hereinbefore Directed, Pursuant to the Warrants as Shall be directed to him under the Hands and Seals of the Said Supervisors Or any one of them.

[CHAPTER 333.]

[Chapter 333, of Livingston & Smith and Van Schaack, where the act is printed in full. Printed in full in Bradford, 1732 ed., p. 136. Baskett, p. 230. See chapter 1372.]

An Act for Annexing that part of the Mannor of Livingstone, which now Lies in Dutches County, unto the County of Albany.

[Passed, May 27, 1717.]

WHEREAS the Mannour of Livingston being scituate on the East Side of Hudsons River, in this Colony, is part thereof in Dutches County, which Renders the Administration of Justice Sometimes Difficult,

Be it Enacted by the Governour Councill and Generall Assembly and by the Authority of the Same, That from and after the Publication of this Act, that the Mannor of Livingston Shall be, and forever Remain and be Annexed to the County of Albany, [and be accounted as part, Parcel and Member thereof; which Bounds of the said

Mannor shall End and Terminate the County of Albany,] on the East-side of Hudsons River, as the Sawyers Creek doth Terminate the Same on the West-side thereof, lying opposite the one to the other, always, Reserving to the Proprieter of the said Mannor, his Heirs and Assigns all such Franchises, Priviledges, & Immunities, which have from time to Time been granted to him, his Heirs and Assigns, from his present Majesty King George, and his Royal Predecessors, Kings and Queens of England.

BE IT further Enacted by the Authority aforesaid, That for the better Defraying the Common and necessary Charge of the said Mannor of Livingston. That it shall and may be Lawful for the Inhabitants of the Mannor of Livingston To Elect and Chuse, Yearly and every Year, one Supervizor, one Treasurer, one Assessor & one Collector for the Said Mannor, who shall have the same power, Authority, Office and Function, and do, perform, Execute and Serve, and be Liable to the Same Pains and Penalties as the Supervizors, Treasurers, Assessors and Collectors of the several and Respective Counties within the Colony have, ought, or are intended to have, do, Perform, and be Liable to by one Certain Act of General Assembly, Passed in the Year of Our Lord One thousand Seven hundred and three, Entitled, An Act for the better Explaining, and more Effectual puting in Excecution An Act made in the Third Year of the Late King William and Queen Mary, of Glorious Memory, Entituled, an Act for Defraying the Publick and Necessary Charge thro'-out this Province, and for Maintaining the Poor and preventing Vagabonds. [And be it further Enacted by the Authority aforesaid, That the Wages and Charges of their Representative or Deputy in General Assembly, Shall be Equal with any Mannour, City Burrough or County in this Province, and the Inhabitants of the Same Mannour Shall only be Liable to Defray the Wages and Charge of their oun Representative or Deputy in General Assembly, and not otherwise, but shall not be excused from any other Publick County Charge.] Provided always, and it is hereby further Enacted, That this Act nor any part thereof shall be construed to Extend to Exempt that part of the Mannour of Livingston formerly in the County of Dutches from paying and Discharging all Taxes and Arrears of Publick Taxes and Dues, due, laid or Payable before the Publication of this Act, And shall be Levied, in Case of Refusal of Payment, in the same method and manner as usual, and as though this Act had never been made, Any thing herein to the Contrary hereof in any wise notwithstanding.

[CHAPTER 334.]

[Chapter 334, of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Bradford, 1732 ed., p. 173; Baskett, p. 232. Expired in 1718. See chapter 315. Revived by chapter 357.]

An Act Reviving an Act, Intituled, an Act for the Better Settling the Militia of this province and making it more usefull for the Security and Defence thereof, And for Repealing All former Acts heretofore made in this province relating to the Same.

[Passed, May 27, 1717.]

BE IT ENACTED by the Governour Council & Assembly, And it is hereby Enacted by the Authority of the Same, That an Act, Intituled, an Act for the better Settling the Militia of this province, and making it more usefull for the Security and Defence thereof, And for Repealing all former Acts heretofore made in this Province Relating to the Same, made in the first Year of the Reign of her late Majesty, Queen Anne (of Blessed Memory) Expired by its own Limitation, Shall be of force from the first day of November next Ensuing, until the first day of November which will be in the Year of our Lord One Thousand Seven Hundred and Eighteen.

[CHAPTER 335.]

[Chapter 335, of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Bradford, 1732 ed., p. 173. Printed in full in Baskett, p. 229. See chapter 282. Expired, May 1, 1720.]

An Act Reviving an Act, entituled, an Act for Encouraging the Indian Trade at Albany.

[Passed, May 27, 1717.]

BE it Enacted by the Governour, Council & General Assembly, and it is hereby Enacted by the Authority of the Same, That an Act, entituled, an Act for Encouraging the Indian Trade at Albany, made in the thirteenth Year of the Reign of her late Ma'ty, Queen Anne, of Glorious Memory, expired by its owne Limittation, shall be of Force from the Publication hereof, until the first Day of May, which shall be in the Year of our Lord, One Thousand Seven hundred and Twenty.

[CHAPTER 336.]

[Chapter 336, of Livingston & Smith and Van Schaack, where the title only is printed. This act is not in Bradford, 1732 ed. Title only is printed in Baskett, p. 231.]

An Act for Exempting the Pink Charlotte from paying the Duty of Tonnage.

[Passed, May 27 1717.]

For the preventing of all Disputes that might hereafter arise between the Receiver of the Dutys Imposed by an Act of the General Assembly of this Province made in the last Sessions Entituled an Act to Oblige all Vessels Trading into this Colony, Except Such as are therein Excepted, to pay a certaine Duty, and for the further Explanation and rendring more effectual certaine Clauses in an Act of General Assembly of this Colony, Entituled an Act by which a Duty is Laid on Negroes and other Slaves Imported into this Colony and Henry Cuyler, Moses Levy Samuel Levy and Jacob Franks the present Owners of the Pink Charlotte Concerning the payment of the Duty on Vessels Imported by the Said Act.

Be it Enacted by his Excellency the Governour Council and General Assembly, and it is hereby Enacted by the Authority of the same, That the said Pink or Vessel called the Charlotte of the Burthen of Eighty Tuns or thereabouts and which was Condemned in the Court of Admiralty in this Colony in the Month of November last, and Since bought by the Said Henry Cuyler Moses Levy, Samuel Levy and Jacob Franks all of the City of New York Merchants for their Owne proper Use and behoof shall be and is hereby Exempted and freed from the Duty Imposed by the before mentioned Act and shall so remain freely acquitted and Discharged of the Same and every part thereof during the time they the said Henry Cuyler, Moses Levy, Samuel Levy and Jacob Franks or any other Inhabitant or Inhabitants of this Colony Shall be the Sole and only owner or Owners thereof the said Act or any other Law Usage or Custome to the Contrary hereof in any wise notwithstanding.

[CHAPTER 337.]

[Chapter 337, of Livingston & Smith and Van Schaack, where the title only is printed. This act is not in Bradford, 1732 ed. Title only is printed in Baskett, p. 231.]

An Act to Clear a Sloop upon the Stocks in the Province of New Jersey belonging to Colonel John Johnston from the Duty of Tonnage.

[Passed, May 27 1717.]

WHEREAS, the said Colonel John Johnston Mayor of the City of New York by his Petition presented to the General Assembly, set

forth, That sometime before the passing of an Act, entituled, an Act to Oblige all Vessels Trading into this Colony (Except such as are therein Excepted) to pay a certaine Duty & for the further Explanation and rendring more Effectual certaine Clauses in an Act of General Assembly of this Colony, entituled, an Act, by which a Duty is laid on Negroes & other Slaves Imported into this Colony, the said Colonel John Johnston had a Sloop upon the Stocks in the Said Province of New Jersey, & is now ready to be Lanched, which said Sloop he designed should Sail out of this Port of New York and therefore prays he may be free from the said Duty of Tonnage.

BE it therefore Declared and Enacted by the Governour Council and General Assembly, and by the Authority of the same. That the said Sloop so by him built in the Said Province of New Jersey, is by this Act acquitted, freed and Discharged from paying the said Duty of Tonnage, & the Penalties and Forfeitures expressed in the said Act hereinbefore mentioned, or any other Act to all Intents and purposes whatsoever. Dureing Such Time as the Sole and entire property of the said Sloop Doth or shall Actually belong to the Inhabitants of this Province.

THE SEVENTEENTH ASSEMBLY.

Fourth Session.

(Begun Sept. 5, 1717, 4 George I, Robert Hunter, Governor.)

[CHAPTER 338.]

[Chapter 338, of Livingston & Smith and Van Schaack, where the title only is printed. This act is not in Bradford, 1732 ed. Title only is printed in Baskett, p. 238.]

An Act for Exempting the Snow or Vessel called the Leghorne from paying the Duty of Tonnage.

[Passed, November 2, 1717.]

For the preventing of all Disputes, that might hereafter arise between the Receiver of the Dutys Imposed by an Act of the General Assembly made the last Sessions, entituled an Act to Oblige all Vessels Trading into this Colony Except such as are therein Excepted to pay a certaine Duty & for the further Explanation and rendring more effectual certaine Clauses in an Act of General Assembly of this Colony, entituled, an Act by which a Duty is laid on Negroes and other Slaves imported into this Colony, and Rodrigo Pachecoe of the City of New York Merchant the present Owner of the Snow

or Vessel called the Leghorne, concerning the payment of the Duty on Vessels Imposed by the said Act.

BE it Enacted by his Excellency the Governour Council and General Assembly, & it is hereby Enacted by the Authority of the Same, that the said Snow or Vessel called the Leghorne of the burden of Eighty Tons or thereabouts & which was built in the Colony of Connecticut on or about the time of the Passing the above mentioned Act and now lately brought into this Colony, & whereof the said Rodrigo Pacheco is the Sole & only Owner shall be and hereby is Exempted & Freed from the Duty Imposed by the before mentioned Act, and shall so remain freely acquitted and Discharged from the same and every part thereof during the time the said Roderigo Pacheco or any other Inhabitant or Inhabitants of this Colony, shall be the sole and onely Owner and Owners thereof, the said Act or any other Law Usage or Custome to the Contrary hereof in any wise notwithstanding.

[CHAPTER 339.]

[Chapter 339, of Livingston & Smith and Van Schaack, where the title only is printed. This act is not in Bradford, 1732 ed. Title only is printed in Baskett, p. 239.]

An Act for Exempting the Sloop Mary and Hannah from paying the Duty of Tonnage.

[Passed, November 2, 1717.]

For the preventing of all Disputes that might hereafter arise between the Receiver of the Dutys Impos'd by an Act of the General Assembly of this Colony passed in their last Sessions, entituled, an Act to Oblige all Vessels Trading into this Colony Except such as are therein Excepted, to pay a Certaine Duty and for the further Explanation and rendring more effectual certaine Clauses in an Act of General Assembly of this Colony, entituled an Act by which a Duty is laid on Negros & other Slaves Imported into this Colony and William Waldron Owner of the Good Sloop or Vessel called the Mary and Hannah Concerning the payment of the Duty on Vessels Impos'd by the said Act. BE it Enacted by his Excellency the Governour Council and General Assembly, and it is hereby Enacted by the Authority of the same, That the said Sloop or Vessel called the Mary and Hannah of the Burden of Thirty Tons or thereabouts, lately built in the Province of New Jersey and wholly belonging to the said William Waldron of the City of New York Shopkeeper, shall be and hereby is exempted & freed from the Duty Impos'd on

Vessels by the beforementioned Act and shall so remain freely acquitted and Discharged from the Same and every part thereof during the time the said William Waldron or any other Inhabitant or Inhabitants of this Colony shall be the Sole and only Owner or Owners thereof, the Said Act or any other Law, Usage, or Custome to the Contrary hereof, in any wise notwithstanding.

[CHAPTER 340.]

[Chapter 340, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1732 ed., p. 173. This act is not in Baskett.]

An Act for an Allowance to the Representative of the Township of Schenechtady in the County of Albany.

[Passed, November 2, 1717.]

WHEREAS the Supervisor of the Township of Schenechtady has neglected & refused to allow the Wages & Sallary due to the Representative of the afores'd Township for the Year 1716. Be it therefore Enacted by his Excellency the Gov'r, the Council & Generall Assembly, That the Representative of the Township of Schenechtady shall be allowed for his Service & Attendance As a Representative in the Generall Assembly of this Province in the Year 1716. Ten Shillings pr Day. And be it further Enacted by the Authority affores'd, That from the first day of April, 1717, until the first day of Decemb'r next ensuing, the Representative of the afores'd. Township shall have the Same Wages & allowance as above men'coned, to comence from his coming out till his Return home, not exceeding Eight Days for his going or Coming. And the Supervizor, for the time being, is hereby authorized, appointed & required on the first Tuesday of Dec'r next, to raise, or cause to be raised, levyed & collected by the Assessor & Collector of the s'd Township of Schenechtady, for the time being, the s'd Wages of the s'd Representative, under the Penalty of fifty Pounds, one half thereof for the behoof of his Maj. the other half to such Person as shall sue for the Same.

And be it further Enacted by the Authority afores'd, That the s'd Supervizor, for the time being, shall nominate & appoint a Treasurer on the first Tuesday of December next ensuing, & so annually & every Year, for the future, which s'd Treasurer shall Receive the s'd Money from the Collector, & pay the same, by virtue of a Warrant under the hand & Seal of the Supervizor, to the s'd Representative or Deputy.

[CHAPTER 341.]

[Chapter 341, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1732 ed., p. 135; Baskett, p. 237. The act referred to is chapter 250. Repealed by chapter 560.]

An Act for Explaining and Rendring more Effectual an Act of the Generall Assembly of this Colony, Entituled, An Act for preventing, Suppressing and punishing the Conspiracy and Insurrection of Negroes, and other Slaves.

[Passed, November 2, 1717.]

WHEREAS by one Act of General Assembly of this Colony, Entituled, an Act for preventing, Suppressing and punishing the Conspiracy and Insurrection of Negroes, and other Slaves, passed in the Eleaventh Year of her late Majesties Reign, It is (amongst other things) therein Enacted, That any Master or Mistress Manumitting and setting at Liberty any Negroe, Indian or Malatto Slave, shall Enter into sufficient Security unto her Majesty, her heirs and Successors, with two Sureties not less, than the Sume of Two hundred pounds, to pay Yearly and every Year, to such Negroe, Indian or Malatto Slave, during their Lives, the Sum of Twenty pounds lawful Money of this Colony. And if such Negroe, Indian or Malatto Slave shall be made free by the Will or Testament of any person Deceased, That then the Executors of such person shall Enter into Security as above, Immediately upon proving the said Will or Testament, Which if Refused to be Given, the said Manumission to be void and of none effect. AND WHEREAS the aforesaid Clause in the said Act is found by Experience to be very Inconvenient, prejudicial, and in a manner, a prohibition to Liberty, and will very much Discourage and Dishearten such Negroe, Indian or Malatto Slaves from serveing their Masters or Mistresses truely and faithfully, as they ought to doe. ffor Remidying whereof, And for the better Explaining of the said Clause in the said Act, Be it Enacted by his Excellency the Governour, Council and General Assembly of this Colony, And by the Authority of the same, That if any such Master or Mistress Manumitting and setting at Liberty any Negro, Indian or Malatto Slave, or any other sufficient person for and on the behalf of such Negroe, Indian or Mulatto Slave, shall and do Enter into such Security, as aforesaid, at the General Sessions of the Peace, for the City and County where such Negroe, Indian or Malatto Slave shall live or reside, To keepe and save such Negroe, Indian or

Malatto Slave from becoming or being any Charge to the City, Town or place where he, she or they do live the said Negroe, Indian or Malatto Slave shall be ffree according to such Manumission of such Master or Mistress so Manumitting and setting at Liberty such Slave or Slaves; And if any such Negroe, Indian or Malatto Slave, since the making of the said recited Act, shall have been made ffree, or hereafter shall be made ffree by the Will or Testament of any person Deceased That then if any Executor or Executors of any such person or persons Deceased, or on their Neglect or refusal any other sufficient person for and on the behalfe of such Negroe, Indian or Malatto Slave, shall and do Enter into such security, as aforesaid, at the General Sessions of the Peace for the City and County where such Negroe, Indian or Malatto Slave, shall live or reside, To keep and save such Negroe, Indian or Malatto Slave from becoming or being any Charge to the City, Town or Place where he, she or they do live, the said Negroe, Indian or Malatto Slave shall be ffree, according to the true Intent and meaning of the Will or Testament, of any person or persons Deceased, The said before recited Act of Assembly, or any Law, Usage or Custome to ye Contrary in any wise Notwithstanding.

[CHAPTER 342.]

[Chapter 342, of Livingston & Smith and Van Schaack, where the title only is printed. This act is not in Bradford, 1732 ed. Title only is printed in Baskett, p. 239.]

An Act for Paying Johannes Jansen David Provoost and Leonard Lewis, Esqr's The Arrears Due to Them for their services In The Generall Assembly as Representatives for the City and County of New York.

[Passed, November 2, 1717.]

WHEREAS Johannes Jansen David Provoost and Leonard Lewis Esqr's have served Severall Years as Representatives for The City and County of New York in Generall Assembly for Which they Received No sattisfaction Be it therefore Enacted by his Excellency the Governour Councill and General Assembly and By the Authority of the same that the Mayor Recorder Aldermen and Commonalty of the Said City and County are here By Required and Directed on or before the first Day of December One thousand Seaven hundred and Eighteene to Meet at the City hall of The Said City and there order A Raising on the Inhabitants Residents and Sojourners of and In the Said City the sum of Six shillings Currant Money p Diem for Every Day it Shall Appear By Certificate Signed By the Speaker of the

general Assembly for the Time Being or Signed By the Clarke of the General assembly By Order of the same for paying and sattisfying the Said Johannes Jansen David Provoost & Leonard Lewis Esqr's: for their Said Services, and that Pursuant To the Order of the Mayor Recorder Aldermen and Commonalty to Be Made as AforeSaid For the Time Being a Warrant or Warrants Shall Be Issued to the assessors and Collectors of Each Respective Ward Within the Said City and County Requiring Them to Make Such assessment and Collection and Pay the same to the Treasurer of the Said City For the Time Being at Such Convenient Time as Shall Be Agreed on by the Said Mayor Recorder and Commonalty So that the Said Sum of Six Shillings, p Diem aforeSaid Shall by the Treasurer of the Said City for the Time Being Be paid to the Said Johannes Jansen David Provoost and Leonard Lewis Esqrs or Order for their Services aforeSaid on or Before the first Day of October Which Will Be In the Year of Our Lord One Thousand Seven hundred and Nineteene and Be it Further Enacted By the Authority aforeSaid That If Any Person or Persons Shall Neglect or Refuse to pay Any Sum or Sums of Money Which he She or they are Assessed By Vertue of this Act that it Shall and May Be Lawfull for the Collector or Collectors thereof to Levy the Same by Distress and Sale of his her or their goods With Reasonable Charges for Distraining Restoring the Owner thereof the Overplus if Any Be.

and Be it further Enacted By the Authority aforeSaid that if the Mayor Record'r Aldermen and Commonalty of the said City and County or Any of the assessors or Collectors afore Said Who are here By Required Impowered and Authorised To Take Effectuall Care that this Act Be Duly Executed According to the True Intent and Meaning there of and In Case Any of Them shall Deny Refuse Neglectt or Delay To Perform and Execute all or Any of the Powers Dutys & Authoritys In this Act Required to Be Done and Performed And shall There of Be Lawfully Convicted In Any Court of Record Within this Collony he or they So Denying Refusing or Delaying to performe the Dutys afore Said Shall Be Lyable to and Incur all the Pains Penalties and Forfeitures Mentioned and Expressed in An Act of general assembly of this Colony Entituled an Act for Levying four thousand Pounds Made In the Eighth Year of her Late Majestys Reign as fully to all Intents Constructions and purposes as if the same had Been here Inserted Expressed and Mentioned at Large Any Thing here in Contained to The Contrary Not With standing.

[CHAPTER 343.]

[Chapter 343, of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Bradford, 1732 ed., p. 173. Printed in full in Baskett, p. 234. Revived by chapter 475.]

An Act for Regulating the Ferry between the City of New-York and the Island Nassau.

[Passed, November 2, 1717.]

WHEREAS there is A Ferry Established between the City of New-York and the Island Nassau, belonging to the City and Corporation Aforesaid, and A Catalogue of Rates and Prices has been formerly Regulated by the Magistrates of the said City, wherein some few particulars are but Expressed, and the Rates for Carrying all Other Goods and Commodities whatsoever over the said Ferry, Entirely left to the Ferryman, for the time being, to demand and take proportionably for Transporting the same, Pursuant to the said Regulation. BUT WHEREAS the said Catalogue is uncertain, and by Process of time become Deficient as Circumstances often do Offer, Whereby the Ferry-man makes himself sole Judge to Exact Extravagant Prices and Rates for Transporting all such Merchandize, Goods and Things as are not Regulated and Specified in the Catalogue aforesaid, to the great Abuse and wrong of his Majesties Good subjects,

BE IT THEREFORE ENACTED by the Governour, Council and General Assembly, and it is hereby Enacted by the Authority of the same, That from and after the Publication of this Act, no Other Rates and Prices shall be Imposed, Demanded and taken for Transporting Men, Women Children, Horses, Cattle and all manner of Goods, Wares, Merchandize, and Other Commodities whatsoever, by the ferry-man, for the time being, than hereafter are Specified and Regulated, that is to Say,

For Transporting of Every Person from the City of New-York to the Island Nassau, or from the Island Nassau to the City of New-York, Eleaven Graines and One Quarter of a Grain weight of Plate; if after Sun-set, double that Rate, unless A Neglect or refusal in the ferry-man to Transport Passengers over Sooner.

For Every Horse or Beast, Sixty Grain Weight of Plate.

for Every Calf alive, Two and Twenty Graines and an halfe weight of Plate

for Every Hog alive Two and Twenty Graines and an halfe weight of Plate

for Every Sheep or Lamb; ffifteene Graine weight of Plate

for Every Barrell of Rum, Sugar, Molasses or Other ful Barrell fforty ffive Graine weight of Plate.

for Every Dead Hog; ffifteene Graine weight of Plate

for Every Dead Sheep, Lamb or Calf, Ten Graine weight of Plate

for Every Barrel of Beer or Cyder, fforty ffive Graine weight of Plate

for Every Empty Barrel; ffifteene Graine weight of Plate

for Every Empty Pipe or Hogshead, Sixty Graine weight of Plate

for Every Beast Hide ffifteene Graine weight of Plate

for Every Calf or Sheep Skin ffive Graine weight of Plate

for Every Pail of Butter, Seaven Graine and an halfe weight of Plate

For Every Firkin or Tub of Butter, Ten Graine weight of Plate

For Every Bushel of Salt, ffive Graine weight of Plate

For Every Bushel of Corn, Two Graine and an halfe weight of Plate

for Every pipe of Wine, Two Hundred & Seaventy Graine Weight of Plate

for Every Hogshead of Molasses, Two hundred & Seaventy Graine weight of Plate

for Every hogshead of Rum, Two hundred & Seaventy Graine weight of Plate

for Every Hogshead of Tobacco, Two hundred & Seaventy Graine Weight of Plate

for Every Inch board, ffive Graine Weight of Plate

for Every board of one Inch and half Seaven Graine and an halfe weight of Plate

for Every Waggon Three hundred Graine weight of Plate

for Every pair of cart Wheels, Ninety Graine weight of Plate

for Every Cupboard or Press for Cloths One hundred & Eighty Graine weight of Plate

for Every Empty Trunk or Chest, fforty ffive Graine weight of Plate

for Every half Barrell of Flower, ffifteene Graine weight of Plate

for Every Barrell of Bread, Thirty Graine weight of Plate

for Every bag of Bread, Seaven Graine and an halfe weight of Plate

for Every Gammon of Bacon Two Graine and an halfe weight of Plate

for Every hundred of Eggs, four Eggs, and so in proportion for A Greater or lesser Number

for Every drest Deer Skin, Seaven Graine and an halfe weight of Plate

for Every Turkey or Goose Two Graine and an halfe weight of Plate

for Every three fowls ffive Graine weight of Plate.

for Every hundred weight of Iron or Steel fforty ffive Graine weight of Plate

for Every hundred weight of Shott, Thirty Graine weight of Plate

for Every hundred weight of Gun-powder Sixty Graine weight of Plate

for Every Scyth or Sith ffive Graine weight of Plate

for Every firkin of Soap, Ten Graine weight of Plate

for Every Cheese, Two Graine and an halfe weight of Plate

for Every Corn fann Twenty two Graine and an halfe weight of Plate

for Every hundred of Shingles, Thirty Graine weight of Plate

for Every Cedar Bolt, ffive Graine weight of Plate

for Every bag of Cotton Seaven Graine and an halfe weight of Plate

for Every Bale of Cotton or Hops, Ninety Graine weight of Plate

for Every Coach Three hundred & Sixty Graine Weight of Plate

for Every Chaise One hundred & Eighty Graine weight of Plate

for Every Single Sleigh, Ninety Graine weight of Plate

for Every double Sleigh, One hundred and Twenty Graine weight of Plate

for Every piece of Ozenbrigs, Eleaven Graine and a Quarter Weight of Plate and so in proportion for Other pieces of Linnen and Wollen Cloath All which severall Sumes of money abovesaid are to be paid in Silver Plate of Mexico or Civill, or in Bills of Credit of this Colony, or in any other Silver money Equivolent in vallue to them.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That all Other Merchandize, Goods, Commodities and Things what soever, not Specified in this Act, Shall pay for the ferriage or Transportation thereof from New-York to Nassau Island, or from Nassau Island to New York, in proportion to the Rates above Specified, for A greater or lesser weight or quantity, and not Otherwise. And in Case any Person or Persons whatsoever shall hereafter refuse to pay the Rates and Prices of Ferriage before Mentioned, to the Ferry-man, for the time being, Pursuant to the Regulation made in this Act, he, she or they so refusing shall forfeit and pay tribble the Rate to which he, she or they were liable, together with the Charges of Recovering the same, upon the Oath of one Credible Wittness before any of his

Majesties Justices of the Peace, who are hereby Authorized and Required to Administer the said Oath, and to give Judgment and Award Execution Accordingly. And if any Dispute shall happen to Arise hereafter Concerning the Rates and Assizes of any Goods or Commodities not Expressed in this Act, and be brought before some one of his Majesties Justices of the Peace by the Contending Parties, the said Justice of the Peace is hereby Authorized and Required to hear and Determine the same, so as to him shall Appear to be Conformable to the true Intent and Meaning of this Act.

AND BE IT FURTHER ENACTED by the same Authority, That the Ferry-man, for the time being, shall be Obliged to Come and go with the Ferry-Boats, to and from such places in the City of New York, between the Great Dock and Beeckman's Slaughter-house, and by such Turns as are Appointed and prescribed him in the former Regulations, for Encouraging the Marketts of the said City (Wind and weather permitting) And in case he shall Neglect or Refuse the same, he shall forfeit the sum of Twenty shillings for Every such Offence, to be recovered in Manner as aforesaid, and paid to the Treasurer of the said City for the time being, to be Applyed towards the Defraying the publick Charges of the same. And if from and after the Publication of this Act, the Ferry-man, for the time being, do Impose Exact and Take any Rates for Transporting of Persons, Goods, Wares, Merchandize, or Other things Whatsoever, Contrary to the Regulation and Rates Established in and by this Act, he shall forfeit the sum of Twenty shillings for every such Offence, to be Recovered, paid and Applyed as Aforesaid.

AND BE IT FURTHER ENACTED by the Authority Aforesaid, That it shall and may be lawful for the Mayor, Aldermen and Commonality of the City of New York for the time being, their successors and Assigns, to demand, Receive and take the Rates and Prices above in this Act Mentioned, for Transporting of persons, Goods, Wares, Merchandizes, and Other things from the City of New York to the Island of Nassau, and from the Island Nassau to the City of New York, Over the ferry in the ferry-boats; and shall and may Establish and keep one or more ferrys between New York and the Island Nassau, for the better and more Easy Transportation of Goods and Passengers over the said Ferry; and that the ferry-man or ferry-men Established in the City of New York shall be Obliged to Receive into his or their ferry-boats on Nassau Island (when there) all sorts of Goods and Passengers (horses and Cattle only Excepted) and to Transport them to the City of New York at the Rates and Prices before Mentioned in this Act, Any thing to the Contrary hereof in any wise Notwithstanding.

AND be it also Enacted by the said Authority, That the Ferryman for the time being, shall not Impose and Exact any Rates for any Goods or things Whatsoever, Transported by any of the Inhabitants at and near the ferry on Nassau Island, in their own Boats or Canoes, that is to Say, Inhabiting between Kyckuyt and Red-hook, provided the said Goods and Commodities be properly their own, and not belonging to any Other Person or Persons whatsoever, any thing in this Act before Mentioned to the Contrary hereof in any wise Notwithstanding.

Provided always, That a Sucking Child shall be Exempted from paying Ferriage, And the said Ferry-man Shall be Obliged to set up at the most publick place at the Ferry, the price to be paid for Ferriage, in Order People may be acquainted therewith. This Act to Continue Seven Years from the Twenty fifth Day of March next, & no Longer.

[CHAPTER 344.]

[Chapter 344, of Livingston & Smith and Van Schaack, where the title only is printed. This act is not printed in Bradford, 1732 ed. Title only is printed in Baskett, p. 238.]

An Act for paying the Executors of Thomas Codrington Esqr the Arrears due for his Service in General Assembly from the fourteenth of June Seventeen hundred & five, till the Twenty Seventh day of September Seventeen hundred & Eight.

[Passed, November 2, 1717.]

WHEREAS Margaret Codrington the widd.' & Executrix of Thomas Codrington Esqr Dec'ed, hath in her Petic'on set forth, That her husband, in his life time, Served Several Years a Representative for the City & County of New York, for which he rece'd no Sattisfaction BE it therefore Enacted by the Governour Council & General Assembly and by the Authority of the same, That the Mayor Aldermen & Commonalty of the said City are hereby required and Directed, on or before the first Day of December One thousand Seaven hundred and Eighteene, to meet at the City Hall of the said City, & there order the raising on the Inhabitants residents & Sojourners of & in the Said City and County the Sum of Six shillings p diem, for every Day it shall appeare by Certificate of Certificates, Sign'd by the Speaker of the General Assembly for the time being, that the said Thomas Codrington served in Sa'd General Assembly, betwixt

the fourteenth day of June Seventeen hundred & five, & the Twenty Seventh day of September, Seventeen hundred and Eight Inclusive, for paying and Sattisfying the Executors of the said Thomas Codrington for his Said Services, pursuant to the Order of the Mayor Aldermen & Comonalty to be made as aforesaid, the Mayor of the said City for the time being, shall Issue his Warrants to the Assessors & Collectors of each Respective Ward within the said City & County, requiring them to make such Assessment & Collection and pay the same to the Treasurer of the said City for the time being, at such Convenient time as shall be agreed on by the said Mayor Aldermen & Comonalty, or any Nine of them, so that the said Sum of Six shillings p Diem aforesaid, shall by the Treasurer of the said City for the time being, be paid to the Executors of the said Thomas Coddrington, for his service aforesaid, on or before the first day of October which shall be in the Year of our Lord Seventeen hundred & Nineteene. And be it further Enacted by the Authority aforesaid, That if any person or persons Shall neglect or refuse to pay any Sum or Sums of money which he or they are Assess'd by Virtue of this Act, That it shall & may be Lawfull for the Collector or Collectors thereof, to Levy the Same, by Distress and sale of his her or their goods & Chattles with reasonable Charges for Distraining, restoring the Owner thereof the Overplus if any be.

And be it further Enacted by the Authority aforesaid, That if the Mayor Aldermen & Comonalty of the said City or any of the Assessors or Collectors aforesaid who are hereby required Impowered & Authoriz'd to take Effectual care that this Act be duly executed according to the true Intent & meaning thereof, shall Deny refuse neglect or Delay to perform & Execute all or any of the powers, Dutys & Authoritys in this Act required to be done & performed & Shall thereof be Lawfully Convicted in any Court of Record within this Colony he or they So Denying Refuseing or Delaying to perform the Dutys aforesaid shall be lyable too & Incur all the Paines, penalties & Forfeitures menc'oned & Express'd in an Act of General Assembly of this Colony, Entituled an Act for Levying four Thousand pounds, made in the Eighth Year of her late Ma'tys Reign, as fully to all Intents & purposes as if the same had been herein Express'd and menc'oned at large, any thing herein Contain'd to the Contrary notwithstanding.

[CHAPTER 345.]

[Chapter 345, of Livingston & Smith and Van Schaack, where the act is printed in full. Printed in full in Bradford, 1732 ed., p. 136; Baskett, p. 238. See chapter 690.]

An Act to Encourage the Destroying Foxes & Wild Cats in Kings County, Queens County & County of Suffolk.

[Passed, November 2, 1717.]

Be it Enacted by the Governour, Council & General Assembly, & by the Authority of the Same, That from & after the Publication hereof, any Person or Persons whatsoever who shall Destroy any Wild Cat or Wild Cats, their Catling or Catlings, any Fox or Foxes, their Puppy or Puppyes in the County of Suffolk, Queens County & Kings County, shall Receive as a Reward for each Wild Cat, Nine Shillings, & for each of their Catlings four Shillings; for every Fox five Shillings & Six pence, & for each of their Puppies two Shillings & three pence. And for the Effectual paying of the Said Rewards, be it Enacted by the Authority aforesaid, that the Same Methods & Rules, Penalties & Forfeitures Shall be Used in all respects as are Expressed & Contained in one Act of General Assembly made in the first Year of the Reign of our Late Soveraign Queen Anne, of Glorious Memory, Entituled, an Act for Destroying of Wolves in this Colony.

[CHAPTER 346.]

[Chapter 346, of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Bradford, 1732 ed., p. 173. Printed in full in Baskett, p. 239. Expired, November 9, 1722.]

An Act for Letting to ffarm the Excise of this Colony for the Term of five Years, And to Enable the ffarmers thereof Effectually to Collect the Same.

[Passed, November 9, 1717.]

WHEREAS by one Act of General Assembly of this province, made in the twelfth Year of the Reign of her late Majesty, ANNE, of Immortal Memory, Intituled, an Act for Laying an Excise on all Strong Liquors Retailed in this Colony, there was Given and Granted unto her said Majesty, her heirs and Successors, an Excise on all Strong Liquors for the Uses in the said Act mentioned.

AND WHEREAS proposals have been made to the General Assembly of this province by ffrancis Harrison and Gilbert Livingston, Esqrs. that on the Consideration of their Receiving the Duty of Excise aforesaid, That they will pay unto the Treasurer of this

Colony the Sum of Three Thousand Seven hundred and ffifty Ounces of plate, yearly & every year, during ye s'd term of five Years, by Even and equal half Yearly payments; And have proposed Ten persons of undoubted Credit and Abilities to become Securities for their due performance of the Same, And have proposed to Renew the said Securities Yearly and every Year; which proposals have been approved of and accepted by the said General Assembly; And in Order that the said Duty of Excise may be managed to the best Advantage, And effectually Answer the Ends and purposes in and by the said Act mentioned and intended,

BE IT ENACTED by the Governour, Council and General Assembly, And it is hereby Enacted by the Authority of the Same, That the said Duty of Excise by the Act aforesaid, Given and Granted unto her Late Majesty, her heirs & Successors, shall be and is hereby hired and Let to ffarm unto the said ffrancis Harrison and Gilbert Livingston, their Executors, Administrators and Assigns, from the first day of November in this present Year of our Lord Christ One thousand Seven hundred and Seventeen, And until the Term of five Years be fully Compleated and Ended; And the said ffrancis Harrison and Gilbert Livingston, their Executors, Administrators or assigns are herein and hereby Authorized and Impower'd, by themselves, their Agents, Deputies or Assigns, to Collect and Receive the said Duty of Excise, Given and Granted by the Act before mentioned, And all the fines, penalties & forfeitures that Shall arise or become Due by Virtue of the said Act, or by Virtue of this, or any other act made, Appointing & Directing the Gathering, Collecting or receiving the said Duty of Excise, or any part thereof, During the term of five Years aforesaid, And Shall Retain, keep and appropriate the said Duty of Excise, and fines and forfeitures aforesaid, Arising within the said five years, to their own proper benefit, use and behoof, as their own proper Goods and Estate, Any thing in this Act, or in any other Act to the Contrary hereof in any wise notwithstanding.

AND it is also further Enacted by the authority aforesaid, That the said ffrancis Harrison and Gilbert Livingston, their Executors or Administrators may and are hereby Impowered (if they so think fit) to Lett, Sell or Dispose of the said Duty of Excise to any person or persons, either in whole or in part, in any City, Town or County within this province, During the said Term of five Years, for the said term of five years, or for any part thereof, fully and Absolutely, or in Such manner, and upon such Conditions, and under Such Restrictions and Limitations, as by the said ffrancis Harrison and Gilbert Livingston, their Executors or Administrators shall be

thought most fit & Convenient; And the said purchasor or purchasors, farmer or farmers of the whole, or any part of the said Duty of Excise, their Executors or assigns, shall be Intituled to receive and appropriate to their own proper use and Advantage the said Duty of Excise, or Such part thereof, as aforesaid, as they shall so purchase or hire, with the Emoluments, profits and Advantages thereto belonging, or thereby Arising, as fully and Amply to all intents, Constructions and purposes whatsoever (Excepting the Conditions, Restrictions and Limitations aforesaid, if any such there be) As the said ffrancis Harrison and Gilbert Livingston might, Could or ought to have done, or are Intituled to by this act, or may be Intitled to by any other Act of the General Assembly of this province for that purpose.

AND be it further Enacted by the Authority aforesaid, That they the said ffrancis Harrison and Gilbert Livingston, or either of them, their or either of their Exec'r or Administrators shall pay Yearly and every Year, During the five Years aforesaid, unto the Treasurer of this Colony the Sum of Three Thousand Seven hundred and ffifty Ounces of Civil, pillar, or Mexico plate, Lyon Dollars or Bills of Credit made Current in this Colony, to the Value thereof, at two Equal half Yearly payments, that is to say, One Thousand Eight hundred and Seventy ffive Ounces of Such plate, Lyon Dollars or Bills of Credit, aforesaid, on the first day of May, Yearly and every Year, and One Thousand Eight hundred and Seventy ffive Ounce of the like plate, Lyon Dollars or bills of Credit, aforesaid, on the first day of November, Yearly and every year. And the said Ten persons proposed by the said ffrancis Harrison and Gilbert Livingston, as Sureties, and who have promis'd to become such, shall on or before the Fifteenth Day of this present month of November, Enter into Bond to his Majesty, his heirs and Successors, Jointly and Severally, in the penal Sum of Seven thousand ffive hundred Ounces of plate, aforesaid, on Condition, That the said ffrancis Harrison & Gilbert Livingston, their, or either of their Executors or Administrators, Shall well & truly pay the said Yearly Sum of Three Thousand Seven hundred and fifty ounces of plate, aforesaid, unto the Treasurer of this Colony, as in this Act is directed & appointed, for and during the Space of one year next ensuing, Commencing the first day of November aforesaid. And the Said ffrancis Harrison and Gilbert Livingston, their Exec'rs or Adm'rs Shall yearly & every year, after the year now next ensuing, as aforesaid, Shall Expire, or at or before the End and Expiration of the said year, and at and before the end and Expiration of every year thereafter, During ye five years aforesaid, if the General Assembly of this Colony be then Sit-

ting, Renew their Securities either by the ten persons aforesaid, who Shall Yearly enter into Bonds, on the Conditions aforesaid, or if all the Ten persons aforesaid, or any of them, Should Dye, become unwilling to be Security any Longer, or be Disapproved of by the General Assembly of this Colony, That then and in such Case the Said ffrancis Harrison & Gilbert Livingston, their Executors or Assigns Shall, at or before the end of every Year aforesaid, procure other Good and Sufficient persons, to be Approved of by the General Assembly, if ye General Assembly be then Sitting, And if ye general Assembly be not then Sitting, Then to be approved of by the Governour and Council of this province, for ye time being (or in the absence of ye Governor; to be approved of by ye Major part of ye gentlemen of ye Council, for ye time being who Shall then be in the City of New York) in Lieu and Stead of Such & so many of ye s'd persons as Shall Dye, refuse or be disapproved by ye General Assembly, or Governor & Council, as afores'd; Which said persons shall enter into Bond, in manner and form afores'd. And if it Shall happen that at ye End of every Year afores'd, the said ffrancis Harrison & Gilbert Livingston, their Exec'ors or assigns Shall not procure the ten persons aforesaid, or such other Good & Sufficient persons, to be approved of as, aforesaid, And the General Assembly Shall not then be Sitting, That then the Governor & Council of this province, for ye time being, or in ye absence of ye s'd Governor, the Major part of ye Gentlemen of ye Council, for ye time being, who Shall then be in the City of New York, Shall and are hereby Impowered and Directed to Let to ffarm ye Excise aforesaid to Such other person or persons as they Shall think fit, for the Remainder of ye Term of five years afores'd; for not less than the Sum of Three Thousand Seven hundred & fifty ounces of plate, yearly and every year, as aforesaid, at and under Such Reservations, Conditions, restrictions and Limitations, as by this Act is Directed, Limitted, and Appointed.

AND be it further Enacted by the Authority aforesaid, That in Case the Said ffrancis Harrison and Gilbert Livingston, their Executors or Administrators Shall neglect to Give in Security as aforesaid, they shall not be entituled to the Duty of Excise hired unto them by this Act, But Shall after the Neglecting to give Security, as before directed, be fully And absolutely Debarred from Receiving any benefit by this Act, Any thing in this Act to the Contrary Notwithstanding.

AND be it further Enacted by the Authority aforesaid, That the Said ffrancis Harrison and Gilbert Livingston, their Executors, Administrators or Assigns are hereby required, obliged and Com-

manded One Month before the Expiration of ye Said Term of five Years, or other Sooner Determination, to give the Governour, Council or General Assembly for the time being, A Just and true Account, upon Oath, of all Such Sums of money as they, or any of them have Annually Received for the said Excise, and from whom they have Received the Same in each and every City and County within this province.

AND be it further Enacted by the authority aforesaid, That for the more effectual Enabling the ffarmers of the Duty of Excise, aforesaid, to Collect and Gather the said Excise, All Retailers of Strong Liquors within this Colony Shall upon all or any their Receipts of all or any the Strong Liquors made Lyable TO pay the Duty of Excise by the Act aforesaid, made in the twelfth year of the Reign of her Late Majesty, come to the ffarmers of the Excise aforesaid, or either of them, their Executors, Administrators, or Assigns, And give A true and just Account of all the said Liquors Received by them, And pay Immediately, or Secure to be paid within three Months to the ffarmers said excise, their Executors Administrat'rs or assigns the Duty Excise, for the said Liquors, appointed by the Act aforesaid; And All Such Liquors as Shall be found, belonging to any Retailer or Retailers, whether it Shall be found in the house, Out-house, Cellar, or Close of the said Retailer or Retailers, or in the house, Out-house, Cellar or Close of any other person, And put there by the said Retailer or Retailers, or by their or any of their Direction and appointment, and have not been duly Reported, According to the true intent and meaning of this Act, And paid the Duties of Excise, or Secured the Same to be paid as aforesaid, That then and in such case, upon Conviction by Oath of one or more Credible Witnesses, before any Justice of the Peace within this Colony, The said Retailer or Retailers So offending, shall forfeit all such Liquors, and three times the Value thereof, to the Said ffrancis Harrison and Gilbert Livingston, their Executors, Administrators or Assigns, to be Recovered before any Three Justices of the Peace of this Colony, whereof One to be of the Quorum, who are hereby, as occasion Shall require, Impowered, Directed and Commanded to hear, try and Determine the Same, as ye matter Shall appear To them to whom Complaint is made, and Award Execution Accordingingly, by Issuing their Warrant for the seizing of all Such Liquors as shall be so forfeited, as aforesaid, And Shall order the Same to be Delivered to the Said ffrancis Harrison and Gilbert Livingston, or either of them, their or either of their Executors,

Administrators or assigns, and Shall also Issue their Warrant for the apprehending and Committing to the Common Goal every Such Retailer or Retailers offending, as aforesaid, Contrary to the true intent and meaning of this Act, And Convicted thereof, as aforesaid, there to Remain without Bail or Mainprize until he, she or they Shall make payment unto ye s'd ffrancis Harrison & Gilbert Livingston, their Exec'ors, Adm'rs or Assigns of three times ye Value of such Liquors so Seized and forfeited, as afores'd. And the Sheriff of each County in this Colony, where Such offence happens to be Committed, is hereby Directed & Commanded to receive ye Bodies of any Such offender or offenders, And him, her or them to keep in ye Common Goal of the County of w'ch he is Sheriff, According to ye tenour of ye Afores'd Warant; And if the said Sheriff Shall Suffer the said person or persons So Committed to him, to Escape out of the said Goal, he Shall be liable to An Action in the Same manner as if the said person or persons had been Committed to him in Execution, by process out of any Court of Record Within this Colony.

PROVIDED always, and it is hereby further Enacted, That Neither this Act, nor any thing herein Contain'd, nor any thing Contain'd in the Act of the twelfth of Queen Anne, aforesaid, nor any thing Contained in any other Act now in force, Relating to the Excise, shall be Construed to hinder or Debar the said ffrancis Harrison and Gilbert Livingston, their Executors, Administrators or assigns from Compounding with any the persons offending, or from Remitting all or any part of any the penalties and forfeitures Contained in this or any the said Acts, or from Contracting or agreeing with all or any the said Retailers for any Sum of Money, or other Consideration, in Lieu and Stead of the said Duty of Excise to be paid by them, or any of them, But that it Shall and may be Lawful for the said ffrancis Harrison and Gilbert Livingston, their Executors, Administrators or Assigns to Compound, Compromise and Agree with any the persons offending, Contrary to the Meaning of this Act, And to Remit all or any part of the penalties & Forfeitures, as they Shall think fit, and to agree with all or any the Retailers of Liquors for any Sums of Money, or other Consideration, to be paid by them or any of them the said Retailers, in Lieu and Stead of the Duty of Excise aforesaid, Any thing in this Act, or any other Act to the Contrary in any wise notwithstanding.

AND be it Enacted by the Authority aforesaid, That it Shall be Lawful for the said ffrancis Harrison or Gilbert Livingston, their

or either of their Executors, Administrators, Deputies, Agents or assigns, or the Deputies, Agents or Assigns of their or either of their Executors or Administrators to Enter into the houses, Out-houses, Ware-houses, Cellars or Closes of any the s'd Retailers of Strong Liquors At any time, and so often as they Shall think fit, During the said five Years, to Guage and take an Account of all such Strong Liquors, Exciseable as aforesaid; And when Such Account of the Quantity of Strong Liquors, Exciseable as aforesaid, by the persons aforesaid, or any of them, is taken, the said Retailer or Retailers of Strong Liquors are hereby Required to pay the Excise Due for the Same, or enter into Bond with Such Sufficient Securities as the said ffrancis Harrison and Gilbert Livingston, their Executors or Administrators Shall approve of, to pay to ye said ffrancis Harrison and Gilbert Livingston their Executors, Administrators or Assigns the said Duty of Excise, Given and Granted by the said Act of General Assembly made in the twelfth Year of her late Majesty, Queen ANNE, aforesaid, within the Term of three months from the Day of the Date of Such Bond; And if Such Retailer or Retailers Shall Delay or refuse to pay the said Duty, or Delay or refuse to give such Bond, it Shall and may be Lawful for the said ffrancis Harrison or Gilbert Livingston, their or either of their Executors, Administrators or assigns to Seize all Such Liquors, And upon proof made by the Oath of one or more Credible Witnesses, before any one of his Majesties Justices of the peace of this Colony, that Such Liquors were Guaged, and payment Demanded for them, or Bond Demanded to be given, According to the Tenour of this Act, if Such Retailer or Retailers cannot, when before such Justice of the peace, make proof by the Oath of two Credible Witnesses of the payment of Such Money, or Giving of Such Bond as aforesaid, The said Justice of the peace Shall adjudge Such Liquors so Guaged, as aforesaid, to be forfeited to the said ffrancis Harrison and Gilbert Livingston, their Executors or Administrators, And Award the Delivery of them Accordingly.

AND be it further Enacted by the Authority aforesaid, That if any such Retailer or Retailers of any the Strong Liquors Exciseable by the Act of the twelfth of Queen ANNE, aforesaid, Shall Deny, refuse or hinder the said ffrancis Harrison and Gilbert Livingston, or either of them, their or either of their Executors, Administrators or assigns, Deputies or Agents, to have free

Recourse into his her or their house, Ware-house, Out-house, Cellar, Close, or other place, to Guage and take an Account of all Liquors Exciseable by the Act aforesaid, That are in their said Houses, Out-houses, Ware-houses, Cellars, Closes, or other places, and thereof be Convicted, he, She or they so offending Shall forfeit the Sum of Ten pounds for each & every such Offence, to be Recovered by Action of Debt in any Court of Record within this Colony, where there Shall be no Essoin, protection or Wager of Law, or any more than one Imparliance.

any person or persons within this Colony Shall presume to Dis-

AND be it further Enacted by the Authority aforesaid, That if pose of any Strong Liquors made Exciseable by the Act aforesaid, under the feigned pretence of being paid for Oats, Cakes, pipes, Tobacco, or any other thing whatsoever, and not for the Exciseable Liquors So Disposed of, In order to Defeat, Elude or Evade the end and Intentions of this present Act, or any Act now in force relating to the Excise aforesaid, every person or persons So offending shall for every Such offence forfeit the Sum of five pounds to be Recovered by action of Debt in any Court of Record within this Colony.

[CHAPTER 347.]

[Chapter 347, of Livingston & Smith, where the entire act, with the exception of the several payments made in the bill, is printed. Chapter 347, of Van Schaack, where the title only is printed. Printed in full in Bradford. 1732 ed., p. 137; Baskett, p. 244. Livingston & Smith and Van Schaack state that the act was confirmed May 19, 1720 For order in Council confirming this act, see Doc. Rel. to Col. His., V., p. 538. Provision made for the torn bills by chapter 450.]

An Act for Paying and Discharging Several Debts due from this Colony to the Persons therein named and for Raising and Putting into the hands of the Treasurer of this Collony Severa'l quantities of Plate to be apply'd to the Publick and necessary uses of this Colony and to make Bills of Creditt to the value of fforty One Thousand ffive hundred and Seaventeene Ounces and an half of Plate for that purpose.

[Passed, December 23, 1717.]

WHEREAS by one Act of the Gen'll. Assembly of this Province, made in the thirteenth Year of the Reign of her late Majesty Queen Anne, of Immortall Memory, Entituled, an Act for the Paying and discharging the Several Debts and Sums of money

claimed as Debts of this Colony, to the several Persons therein named, and to make and Enforce the Currency of Bills of Credit to the value of Twenty Seven thousand Six hundred and Eighty Pounds for that purpose; Also, to make void all Claims and Demands made or pretended to be due from this Colony before the first day of June, one Thousand Seven hundred and fourteen, & It was amongst other things Enacted, That all Persons whatsoever, Except Such as were appointed to be paid by that Act, should for ever be precluded and debarr'd from Pretending or making any Claim for the paym't for any Service or Services, Goods, Wares, Merchandizes or Effects done advanc'd or Expended by them, or any of them, their or either of their Predecessors, Constituents or Employers, or by any Person or Persons whatsoever, for the use of this Colony, at any time before the said first day of June, one thousand Seven hundred and fourteen AND WHEREAS it is manifest that Several Services have been done for the Governm't of this Colony, and Several Goods, Wares and Merchandizes advanc'd for the Publick and necessary uses of the same, for all which, nevertheless, no Reward or Paym't, was at that time claimed or demanded, which was occasioned either by the Remoteness of the Habitations of Several of the Claimants, who were dwelling and residing in the Neighbouring Colonies and Plantations, or by the death of several Persons Entitled to make such demands, whose Widows or Children were not at that time able to make the Justice of their Claims appear, for want of certain Books and Vouchers that have been Since discover'd, and which nevertheless were as justly due from this Colony as any of the Sums pay'd by Virtue of the Act before mentioned. AND Whereas several Companies of Soldiers were Imploy'd in the time of his late Majesty, our Glorious Deliverer, William the third, of Blessed Memory, by the then Governm't of this Colony, for the necessary Service and Defence thereof, Some of the superiour Officers of which Companies have been paid by the Directions and Virtue of the Act aforesaid, but the Inferiour Officers and Private Continels, who being for the greater Part indigent Persons, many of them living remote, and the Sums due to them being but small, could not leave the Attendance on the Provision for their ffamilies, to Sollicit the payment of their dues; and neither the Persons remaining alive, who have Serv'd in Such Companies, nor the Widows and Orphans of Such of them as were deceas'd being able, for want of the Books and Vouchers afores'd,

Since discover'd, fully and clearly to make out the Equity of their Claims were by the then General Assembly of this Colony not taken any notice of, because the said Assembly were not Informed of the Equal Reasonableness and Justice of their said Claims with others their Superiour Officers, who were directed to be paid by the afores'd Act.

AND WHEREAS Several of the Persons Paid by the Directions of the Act afores'd, have Claims for Services by them done, and Goods and Merchandizes by them advanc'd for the Publick Service of this Colony, which Claims were Equally just with those for which they were paid, but could not at that time be made appear for want of the Books and Vouchers, Since Discover'd, as afores'd; the Paym't. of all which Claims has been recommended to the Representatives of this Colony in Gen'll Assembly conven'd, by his Excellency the Governour in his Speech to them of the fifth of June, one Thousand Seven hundred and Sixteen.

AND WHEREAS Several Persons appointed to be paid Several sums of money by the Act of the thirteenth of Queen Anne afores'd, did not come within the time limited by the s'd Act, for the receiving of the same, which was in part occasioned by the Remoteness of Some of the s'd Persons Habitations from the Treasury of this Colony, in part because Several of them having dyed Intestate, and no Persons taking out Letters of Administration on their Goods and Chattles, the Sums they were to receive being not Sufficient to defray the Charges of such Administration, in part from some defect in the appointing the payment of the said Sums So that the quantity of Seventeen hundred Ninety Seven Ounces Eight penney weight and Twenty Grains of Plate has been thereby left in the hands of the Treasurer, whereof Sixteen hundred Eighty ffive Ounces one penney weight and Six Grains is hereby apply'd to the Publique use of this Colony, in paying of the said Treasurer for his Care and pains in paying and Sinking the Bills of Credit made currant by the Act afores'd, for the purposes therein mentioned, & in which no Provision was made for a Reward to be given the said Treasurer; And One hundred and twelve Ounces Seven penney weight and ffourteen Grains in paying Cornelius Post & Samuel Provoost by order of the General Assembly of this Province for publick Services; which Sums were nevertheless due to the said persons, And they are left remediless unless provided for by this Act.

AND WHEREAS the Partition Lines between this Colony and

the Collony of Connetticutt, and between this Colony and the Colony of New-Jersey are necessary to be known and ascertain'd, in Order that such of the Inhabitants of this Colony whose Estates or Habitations are adjacent to and border on the said Partition Lines, may peaceably and without molestation, Enjoy the ffruits of their Industry, and that the Governm't may not be defrauded of the Publick Taxes that may arise and become due from the s'd Inhabitants, by their Pretending that they do not dwell within this Colony.

AND WHEREAS there is not at this time any money in the hands of the Treasurer of this Colony but what is appropriated to particular uses, and that it is requisite for the Service of this Colony that there be some Sum of money lodg'd in his hands, as well for the paym't. of the Sallary of Ambrose Phillipse, Esqr Agent of this Colony, or the Agent of this Colony for the time being, as for the answering any Sudden Exigency of this Colony, that may happen, And cannot So Soon otherwise be provided for by an Act of the General Assembly of this Province.

IN order therefore to pay the Claims and Several Demands now made, & upon strict Search & Examination found to be Equally due with any others that have been paid by virtue of the afores'd. Act, and to make proper & Sufficient Provision for the purposes before mentioned, BE IT ENACTED by the Governour, Council and General Assembly, And it is hereby Enacted by the Authority of the same, That Bills of Credit to the value of fforty One Thousand ffive hundred & Seventeen Ounces and an half of the Spanish Coynes of Sevil, Mexico or Pillar Plate be Forthwith Printed and Signed, to wit,

One thousand Three hundred Ninety One of ten Ounces of Plate, aforesaid.

one thousand of Seven ounces and ten pennyweight of Plate, afores'd.

one thousand of five ounces of Plate, aforesaid.

one thousand of Two ounces and ten pennywt: of Plate, aforesaid.

One Thousand of two ounces of Plate, afores'd.

One thousand of one ounce & ten pennywt: of Plate, afores'd.

one thousand of one ounce & five pennywt: of Plate afores'd.

Two thousand Two hundred of one ounce of Plate afores'd.

Three Thousand of fifteen pennywt: of Plate, afores'd.

four Thousand of ten pennyweight of Plate afores'd.

Five thousand Six hundred and Thirty of five pennywt: of Plate, afores'd.

Which Bills shall be imprest in the middle with the Arms of the Citty of New York, and on the Top of each of them shall be printed the Quantity of Plate they shall go currant for, And shall be in the form following, viz.

This Bill of ounces pennyweight of Plate, due from the Colony of New York to the Possessor thereof, shall be in value equal to Sevil, Pillar or Mexico Plate, and shall be accepted accordingly by the Treasurer of this Colony, for the time being, for all Publicque Payments, and for any ffond at any time in the Treasury. Dated in New York the 28th day of November: 1717 —— By Order of the Governour, Councill and Generall Assembly.,

[which Bills shall be signed and numbered by Robt. Walters, Johannes Jansen, David Porvoost and John Cruger, Esqrs or any three of them; and in case of the Death of any the said persons, the said Bills shall be signed and numbered by the Major part of the Persons above mentioned then alive.

AND be it Enacted by the Governour, Councill and Generall Assembly, And it is hereby Enacted by the Authority of the same, That the Bills of Credit to be made and Issued by virtue of this Act, shall be and continue current for the Term and space of twenty two Years, that is to say, until the yeare of Our Lord Christ, one Thousand Seven hundred and Thirty Nine be ended, If the ffonds arising by this Act for the yearly sinking of part of the s'd Bills do not Sooner answer that End, And shall be rec'd and paid for so many ounces or pennyweights of Plate as the value of them is said to be, and be of Equal value to the same quantity of Sevil, Pillar or Mexico Plate, for Goods, or any other thing bought or Sold by all Persons whatsoever residing in or passing through this Colony; and the tender of the said Bills for paym't or discharging of any debt or debts, Bargain, Sale of Land or other things, Bonds, Mortguages, Specialties and Contracts whatsoever, shall be as Effectual in the Law, to all intents and purposes, as if the current silver Plate, or other Bills of Credit of this Colony had been offered and tendered for the Discharge of the Same, or any part thereof. And any Person or Persons whatsoever refusing any the said Bills of Credit, during the time they are by this Act appointed to be made current, Shall be Equally debarr'd and Subject to the Same Penalties and fforfeitures as if the said Per-

son or Persons had refus'd any the Bills of Credit made current by the Act of the thirteenth of Queen ANNE, afores'd, Entitled, an Act for the Paying and discharging the severall Debts and Sums of money claimed as Debts of this Colony, &c. And the s'd Penalties And fforfeitures shall be recovered in the Same manner, and apply'd to the same uses as is directed in and by the said Act of the thirteenth of Queen ANNE, afores'd.

And be it Enacted by the Authority afores'd, That the Persons appointed for the signing of the s'd Bills of Credit, shall take an Oath before any one Justice of the Peace of this Colony, for the true Signing and delivery of all the s'd Bills of Credit, and no more then the number mentioned in this Act, to the Treasurer of this Colony, according to the true intent and meaning of this Act.

And be it Enacted by the Authority afores'd, that Robert Walters, David Provoost, Johannes Jansen and John Cruger, Esqrs. appointed hereby to sign the Bills of Credit made current by this Act, shall for such their Service have paid unto each of them, or each of their Execr's or Assigns, by the Treasurer afores'd in Bills of Credit made current by this Act, the quantity of one hundred and Seventy five ounces of Plate afores'd, as a Reward for their Trouble in signing and numbring the Bills afores'd.

And be it Enacted by the Authority afores'd, That if any Person or Persons whatsoever shall presume to Counterfeit any of the s'd Bills of Credit, he, she, or they being convicted thereof, shall incur the Pains and Penalties of ffelony, without benefit of Clergy, and shall Suffer accordingly

And for the Effectual sinking, Cancelling and Destroying the Bills of Credit afores'd, made current by this Act, be it Enacted by the Governour, Council and Gen'll: Assembly, and by the Authority of the Same, That there shall be given and granted, and there is hereby given and granted unto his Maj. his heirs and Successors, from the first day of November which shall be in the yeare of Our Lord one thousand Seven hundred and thirty four, until the first day of November, which shall be in the Yeare of Our Lord one thousand seven hundred and thirty nine, for the use above mentioned, an Excyse upon all Liquors Retailed throughout this Colony, under the quantity of five Gallons (Beer and Cyder only Excepted) to wit, the Eighth Part of an ounce of Sevil, Pillar or Mexico Plate for each Gallon so Retailed; and likewise three Quarters of an Ounce of like Plate for every Barl.

of Beer and Cyder; which said five years Excyse is to be levyed, collected and paid under the same Pains, Penalties, Regulations, Restrictions, Conditions and fforfeitures, and in like manner and method, as is prescribed and directed by an Act pass'd in the twelfth year of the Reign of her late Maj'e Queen Anne, of Immortal Memory, Entituled, an Act for laying an Excyse on all Strong liquors Retailed in this Colony And be it further Enacted by the Authority aforesaid, That there be levyed, Raised, Collected and paid the Respective Duties and Customs hereafter Specified, which are hereby given and granted unto his Maj'e, his heirs and Successors, for the space and Term of Seventeen Years, to comence from the time of passing this Act, that is to Say, for every Pipe of Wine that shall be imported into this Colony one Ounce and a quarter of an Ounce of Plate of the Spanish Coyns of Sevil, Pillar or Mexico Plate, or the value thereof in Lyon Dollars or half Dollars, or in Bills of Credit Current in this Colony, and So in Proportion for any greater or smaller quantity Imported as afores'd.

For every Gallon of Rum, Brandy, or other distill'd Liquors imported into this Colony, two grains and a half of like plate. Which Duties shall be levied, Collected and Paid under the same Pains, Penalties, Regulations, Restrictions, Conditions and fforfeitures, and in like manner and method as is prescribed and directed in and by an Act pass'd in the thirteenth Year of her late Maj'es Reigne, Entituled an Act for levying and Paying the severall Duties therein mentioned, for the use of this Colony. And be it further Enacted by the Authority aforesaid, that the Treasurer of this Colony shall keep Accounts of the Duties hereby given on Wine, Rum, Brandy, and other Distilled Liquors, Separate and Distinct from the Accounts of the Duties already Granted on the said Liquors by the aforesaid Act passed in the Thirteenth Year of her late Majesties Reign, Intituled, an Act for Levying and paying the several duties therein mentioned. And be it further Enacted by the Authority aforesaid, That in Case the Excise Given and granted in & by the aforesaid Act of Assembly, passed in the Twelfth Year of her late Majesties Reign, entituled, an Act for Laying an Excise on all Strong Liquors Retailed in this Colony, shall Amount unto a Greater Sum than will be sufficient to Sink Cancell and Destroy the Bills of Credit made Current by the aforesaid Act of Assembly, Intituled, an Act for the paying and Dischargeing the several Debts & Sumes of

money Claimed as Debts of this Colony, to the Several persons therein named, and to make and enforce the Currency of Bills of Creditt to the value of Twenty Seven Thousand Six hundred and Eighty pounds for that purpose; Also, to make voyd all Claims and Demands made or pretended to be due from this Colony before the ffirst day of June, One thousand Seaven hundred and ffourteene, And to prevent this Colony from being in debt for the future, That then and in such Case the said Sum or Sums of money remaining, in the hands of the Treasurer, over and above what will be Sufficient to Sink, Cancell and destroy the said Bills, so as aforesaid made Current by the aforesaid Act of Assembly, Shall be by the said Treasurer Given in Exchange for Bills of Creditt made Current by this Act, which said Bills shall be Sunk, Cancelled and Destroyed in like manner as is hereinafter Directed.

And be it Enacted by the Authority afores'd, That all and singular the quantities of Plate arising by virtue of this Act, by the Excyse upon Strong Liquors above mentioned, and by the Duty up Wine, Rum, Brandy, or other Distilled Liquors before mentioned, shall be apply'd to and for the sinking, cancelling And destroying the Bills of Credit afores'd; made currant by this Act, And shall by the Treasurer of this Colony, for the time being, be given in Exchange for such Bills of Credit afores'd, to any Person or Persons who shall, during the time afores'd, have any the s'd Bills of Credit in their hands, in Order that the s'd Bills be sunk & destroy'd, as by this Act is directed.

And that the s'd Bills of Credit may be truly, and bona fide, sunk, as the ffond arising by virtue of this Act, is paid unto the Treasurer of this Colony for the time being,

Be it Enacted by the Gov'r, Council and Gen'll Assembly, and 'tis hereby Enacted by the Authority afores'd, That Robert Walters, David Provoost, Johannes Jansen and John Cruger, Esqrs afores'd, or the Major part of them living, or that shall be living, shall twice yearly and every yeare, viz. on the first day of March, and on the first day of Sepr. audit the acc'ts of the money received by virtue of this Act, and Shall within one week thereafter, affix Advertisements in the most Publick Places of the City of New York, Setting forth what quantity of Plate has been received, and is in the Treasurers hands, by virtue of this Act, which Plate shall, by the Treasurer afores'd, be given in Exchange for Bills of Credit made current by this Act, to any

Person or Persons bringing in the Same; And the Said Bills of Credit shall, on or before the Expira'con of one Month after the time of Such Audit, be Sunk and destroy'd in presence of Robert Walters, David Provoost, Johannes Jansen and John Cruger, Esqrs afores'd, or the major part of them then alive, appointed by this Act to audit the accounts of the s'd Treasurer, having first compared the said Bills of Credit with their Counter-parts, and entred into a Book to be kept for that purpose, the Number and Value of Each Bill of Credit so Sunk and destroy'd. But if it so happen that all or any Part of the Sums arising by virtue of this Act, shall be paid unto the Treasurer of this Colony in Bills of Credit, made current by this Act, than then and in such Case the said Bills shall be sunk in manner afores'd imediately after the s'd acc't of the Treasurer is audited, and Publick Notice shall be given of the value of the Bills so sunk and destroyed, as also of the quantity of Plate in his hands, if any be within the time before prescribed.

And each of the Auditors, appointed by this Act, to audit and Examine the acc'ts. of the said Treasurer, with Relation to the money received by virtue of this Act, and to see, compare and sink the Bills of Credit, as by this Act is directed, shall take the following Oath, viz. I. A. B. appointed to audit and Examine the acc'ts of the Treasurer of this Colony, will truly, faithfully and impartially Examine and audit the same Accounts, and compare and sink the s'd Bills of Credit, as directed by this Act, and will truly and faithfully do and perform according to my best skill and Ability every thing directed and appointed by this present Act for me as Auditor to do and perform. So help me God.

AND be it further Enacted by the Authority afores'd, That Each of the Persons before named, appointed to Audit and Examine the accounts of the Treasurer, as afores'd, shall for such Examination and Auditing receive the Sum of five ounces of Plate each time of their Examining and auditing such accounts, to be paid by the s'd Treasurer out of the ffond arising and accruing by virtue of this Act.

AND be it further Enacted by the Authority afores'd, That the Treasurer of this Colony for the time being, shall keep an exact account of the particular quantities of Plate paid by virtue of and according to the directions in this Act, with Receipts and Discharges from the Person or Persons, their Exec'rs or Assigns, to whom the said quantities of Plate have been pay'd, to be pro-

duced by him at all times for view and Examination of the Gov'r; Council and General Assembly of this Colony, or either of them, on Penalty of making good and refunding any Sum or Sums of money which shall not be So vouched and discharged, according to the true intent and meaning of this Act.

AND be it Enacted by the Authority afores'd, That the Treasurer of this Colony, for the time being, shall pay in the Bills of Creditt, made current by this Act, unto each of the Persons hereafter named, or each of their Exec'rs. or Assigns, the Several quantities of Plate hereafter expressed, that is to say, To the Exec'rs of Maj'r Dirk Wessells or their Assigns, the Quantity of ten Ounces Seventeen pennyweight and a half of Plate afores'd; being what remains due to him on a Warrant drawn by Benjamin ffletcher, Esqr. once Gov'r. of this Colony, dated the fourth day of March, one thousand Six hundred ninety four.

To Omie D'Lagranzie, Junr, his Exec'rs or Assigns, the qunatity of fifteen ounces of Plate afores'd, in full discharge of an acc't of Eight Pound and Eighteen Shillings for Passage of Soldiers and ffreight of several fforces to Albany in the year one thousand Seven hundred and thirteen.

To Peter Van Woghum, his Exec'rs or Assigns, the quantity of twenty one ounces twelve pennyw't: and a half of Plate afores'd, in full discharge of an account of nine Pound and Eighteen Shillings for moneys advanc'd, and two Oxen delivered to the Comissioners at Albanie in the year one thousand Six hundred Eighty and nine.

To Jan Janse Bleeker, his Execr's or Assigns, the quantity of Seventeen ounces five pennyw't of Plate afores'd, in full discharge of an account of Seven Pounds and Eighteen Shillings for Sundry Goods delivered by him in the year one thousand Six hundred ninety one, for the use of the Goverm't.

To Rutger Bleeker, his Execr's or Assigns, the quantity of Eleven ounces twelve pennyw't: and a half of Plate afores'd, in full discharge of an account of five Pounds Six shillings and nine pence, for Lime delivered by John Abeel for the Building of a ffort at Albany.

To John White, his Execr's or Assigns, the quantity of five ounces and Seventeen pennyw't: and a half of Plate afores'd; for Joyners work done in his Maj'es, ffort at New York in the year one thousand Six hundred ninety eight.

To Johannes D'Lagranzie, his Exec'rs or Assigns, the quantitie of Twenty two ounces Ten pennyweight of Plate afores'd, in full discharge of a Claim of twelve Pound and five shillings, for Service

done by him and Cornelis Slingerlandt, as Armorers in his Majesties ffort at Schenechtady in the Year one thousand Six hundred ninety four.

To Edward Anderson, his Execr's or assigns, the quantity of thirteen Ounces of Plate afores'd, in full discharge of a Demand of Six Pound fifteen shillings, for Service done in Comp'a with John Dyer, to Saw Boards and Timber to make and mend Carriages for his Maj'es ffort in New York.

To ffrederik Myndertse, his Execr's or assigns, the Quantity of one hundred and thirty Six ounces seventeen pennyw't: and a half of Plate afores'd, in full discharge of four Warrants drawn by Edward Lord Cornbury, two dated the fourteenth day of October, one thousand seven hundred and six and two dated the nineteenth day of Aug't, one thousand Seven hundred and eight for his service as Armorer in his Maj'es Garrison at Albany.

To Abraham Staats, his Execr's or Assigns, the quantity of twenty Seven Ounces ten pennyw't: of Plate afores'd, in full discharge of an account of twelve Pound thirteen Shillings and six pence for freight of Provisions and other Stores to Albany in the late happy Revolution, and also for carrying of Soldiers and Provisions in the Year Seventeen hundred.

To Abraham Kip, his Execr's or Assigns, the quantity of thirty nine ounces ten pennyw't of Plate afores'd, in full discharge of two Warrants, one whereof was drawn by Rich'd Earl of Bellomont for Beer delivered by him to his Maj'es Ship The ffortune, in the year Seventeen hundred, and the other by Edward Lord Cornbury in the Year Seventeen hundred and seven.

To Benjamin ffunnell, his Execr's or Assigns, the quantity of ten Ounces of Plate afores'd, in full discharge of a Warrant drawn by Cap't John Nanfan, Lieu't. Gov'r. of this Colony, dated the fourteenth of April, in the year Seventeen hundred & two payable to Jonathan Brodhurst, for Charges Expended by him in Setling the Excyse of the City and County of Albany in the year seventeen hundred

To Peter Guelick, his Execr's or Assigns, the quantity of two ounces and Seventeen pennyw't and a half of Plate aforesaid, for service done by his Brother Sam'll: Guelick, dec'd, at Albany, as a Soldier under the Comand of Cap't. Hickbey in the year Seventeen hundred and four.

To Peter Quackenboss, his Execu'rs or Assigns, the quantity of nineteen Ounces and twelve pennyweight and a half of Plate afores'd in full discharge of nine Pounds for ffreight of Stores from N: York to Albany, by Order of Edward Lord Cornbury.

To Coll: Jacob Rutsen, his Exec'rs or assigns, the quantity of thirty one ounces five pennyw't of Plate afores'd, for the Arrearages of the Taxes of the County of Ulster, which he overpaid to Coll: Stephen van Cortlandt, one of the Commissioners for Executing the Office of Receiver Gen'll: of this Collony, as appear'd by his Receipt.

To Margarieta Elizabeth Codwise, her Execr's or Assigns, the quantity of Twentie five ounces of Plate afores'd, in full discharge for Service done by her deceas'd husband John Coenraet Codwise, in transcribing and making a fair Copy for the use of the General Assembly of the Book of the Debts Said to be due from this Colony.

To Harmanus Rutgers, his Execr's or Assigns, the quantity of three ounces two pennyw't and a half of Plate afores'd, for Beer by him deliver'd, & other Disbursem'ts, pr Order of Capt. Otto van Tuyl for a Boats Company Sent to Sandy Hook in the Colonies Service.

To William Bradford, his Execr's or Assigns, the Quantity of nine Ounces and fifteen pennyw't: of Plate afores'd, for Books deliver'd by him for the use of the Publick.

To the Right Honb'le Charlotte Lady Lovelace, her Execr's or Assigns, the quantity of one hundred and seventy ounces seventeen pennyw't and a half of Plate afores'd, in full discharge of a Warrant drawn by Coll: Peter Schuyler, dated the eighth day of May, seventeen hundred & nine, being for fire-wood expended in his Maj'es ffort at New York, during the Administration of John Lord Lovelace her deceased husband.

To Johannes Jansen, Esqr his Exec'rs or Assigns, the quantity of fifty two ounces ten pennyw't of Plate afores'd, in full discharge of an acc't of twenty four Pound for his Service done in an Expedition against the ffrench at Albany, as Cap't, by Comssion from Coll: fflet-cher then Gov'r. of this Province in the year Sixteen hundred ninety two.

To Cap't. Leendt Lewis, his Exec'rs or Assigns, the quantity of nine ounces and fifteen penny weight of Plate afores'd, in full discharge of a Demand of Seven Pound and ten Shillings for his Service done at Albany in an Expedition against the ffrench in the Mohaucks Country, under the Comand of Cap't. John Jansen, in the Year six-teen hundred ninety two.

To Coenraet Borgaert, his Exec'rs or Assigns, the quantity of Twenty one ounces Seventeen pennyw't and a half of Plate afores'd, in full discharge of an acc't of Ten Pound, for Six weeks Service in an Expedition ag't the ffrench in the year Sixteen hundred ninety two.

To Sarah Skoute, Widow of John Skoute, dec'd, her Exec'rs or Assigns, the quantity of thirty Seven Ounces and ten pennyw't of Plate afores'd; in full discharge of a Demand made for her s'd husbands Service, as Gunner in the ffort of New York, in the time of the late happy Revolution, in the Yeare sixteen hundred and ninety.

To Johannes Ten Eyck, his Exec'rs or Assigns, the quantity of forty Seven Ounces ten pennyw't: of Plate afores'd, in full discharge of an acc't of Thirty one Pound thirteen Shillings and four pence, for the hire of his ffathers Sloop and Mens Wages, in Service of this Colony, in the year seventeen hundred and five.

To Schibolett Bogardus, his Exec'rs or Assigns, the quantity of Eighty two ounces of Plate afores'd, in full discharge of an account of Thirty Seven Pound and ten Shillings, for hire of his Sloop, being Imploy'd to unload the Ship Elizabeth, Cap't. Jones Comander, when said Ship went in an Expedi'con against some ffrench Privateers under the Comand of Cap't. William Peartree, in the yeare Seventeen hundred and five, and the Passage of fifty Soldiers from Albany to New York.

To Cornelis Van Slyck, his Exec'rs or Assigns, the quantity of thirteen ounces and two pennyweight and a half of Plate afores'd, in full discharge of Seven Pound an ten Shillings for his Journey with Coll. Peter Schuyler to Onondago, in Service of the Governm't.

To Evert Jansen, his Exec'rs or Assigns, the quantity of three ounces and Seventeen penny weight and a half of Plate afores'd, for some Small Casks or Runlets deliver'd to the Indians by Order of Coll: Peter Schuyler, for the Service of this Colony.

To Jacobus van Schoenhoeven, his Exec'rs or Assigns, the quantity of eight ounces and fifteen pennyw't of Plate afores'd, in full discharge of an acc't of four Pound, for fire-wood deliver'd to Cap't. Hickbeys Company in the year one thousand Seven hundred and four

To Cap't. Leend't Lewis and Johannes Terbosh, their or either of their Exec'rs or Assigns, the quantity of forty one ounces and five pennyw't of Plate afores'd, in full discharge of an acc't. of nineteen Pound for Sundry Expences, Several Persons of Dutchess County were at in entertaining Cap't. Congraves Company and Six Mens Attendance on them in their Journey to Albany in the Governm'ts Service

To Johannes Hooglandt, his Exec'rs or Assigns, the quantity of fifteen ounces of Plate afores'd, for Sods deliver'd for the ffort of New York by Order of my L. Cornbury, late Governour of this Colony, in the year Seventeen hundred and Six.

To the s'd Johannes Hoogland, his Execr's or Assigns, the quantity of thirty Seven ounces and ten pennyw't of Plate, for his Pay as a Trooper in Coll: Dongans Expedition to Albany, in the year Sixteen hundred and Eighty eight, and for a Gun left in the ffort of N: York, in the time of the late happy Revolut'on.

To Barent Hybon his Exec'rs or Assigns, the quantity of Seven ounces of Plate, for Service done for the Governm't, in being an Out-Scout at Sandy Hook in the Year Sixteen hundred and ninety.

To Dirk Adolph, John dePew and Symon Breeste, their or either of their Exec'rs or Assigns, the quantity of four ounces of Plate afores'd, for each of them, as being Scouts the same time at Sandy-Hook,

To Jacobus van Dyck, his Exec'rs or Assigns, the quantity of thirty nine ounces Seventeen pennyw't: and a half of Plate afores'd, in full discharge of a Warrant drawn by Edward Lord Cornbury, dated the eighteenth day of July, one thousand Seven hundred and Six, for a years service as Chirurgeon in his Maj'es ffort at Schinechtady.

To Helena Cooper, her Exec'rs or Assigns, the quantity of fifty ounces and fifteen pennyweight of Plate afores'd, in full discharge of a Warrant drawn by Rich'd, Earl of Bellomont, dated the twenty Seventh day of Nov'r, one thousand seven hundred Payable to Nicholas Jamain, for Sundreys deliver'd for the use of ye Government.

To Annetie Daniels, her Exec'rs or Assigns, the quantity of eleven Ounces and Seven pennyw't and a half of Plate afores'd, in full discharge of a Warrant drawn by Edward Lord Cornbury, dated the tenth day of Decemb 1700 made payable to her Self for tending Sick Soldiers.

To Coll. Peter Matthews, his Exec'rs or Assigns, the quantity of two hundred and Sixty Six ounces two pennyw't: and a half of Plate afores'd, in full discharge of Sundry Warrants drawn by Edward Lord Cornbury, one dated the Seventeenth day of October, one thousand Seven hundred and four, payable to Edward Cole for a quart'rs Salary as Messenger of ye coun'sel; one dated the twenty seventh day of November, one thousand Seven hundred and Seven, payable to Elizabeth Cole for anoy'r. quart. Salary as Messenger of ye Councill, and three others dated the tenth day of decemb one thousand Seven hundred and eight, Payable to Elizabeth Cole for three years Salary of her deceas'd husband Edward Cole, as messenger of the Council, & for dyet and Lodging of Some Spanish Prisoners.

To John van Loon, his Exec'rs or Assigns, the quantity of eighty

five Ounces of Plate afores'd, in full discharge of an account of Thirty eight Pound Seventeen Shillings and ten pence, for Several sorts of work done by him at Albany for the Soldiers, and others, by Order of Coll: Thomas Dongan.

To Kiliaen van Renselaer and Coll: John Schuyler, their or either of their Exec'rs. or Assigns, the quantity of Thirty ounces of Plate afores'd, in full discharge of an account of Eighteen Pound Eleven Shillings and nine pence, for Several stockadoes deliver'd for the ffort at Albany, and for squaring and setting them up.

To Andries Coyeman, his Exec'rs or Assigns, the quantity of forty one ounces and ten pennyweight of Plate aforesd, for Provisions to the fforces in their March to Albany in the year Sixteen hundred & ninety.

To Anthony van Schaik, his Exec'rs or Assigns, the quantity of two Ounces and ten pennyw't of Plate aforesd, for mending of Glass windows in his Majesties Garrison at Albany.

To Cap't. Henry Hollandt, his Exec'rs or Assigns, the quantitie of one hundred and Twenty five ounces of Plate afores'd, for Service done for the Goverm't.

To Capt. John Riggs, his Exec'rs or Assigns, the quantitie of sixty two ounces and ten pennyw't of Plate afores'd, for Service done for the Governme't.

To Cesar Sharp, his Exec'rs. or Assigns, the quantitie of fifty six ounces five pennyw't of Plate afores'd for Service done by his ffather Tho: Sharp, dec'd, for the Govern'm't.

To Deborah ffielding her Exec'rs or Assigns, the quantity of thirty Seven Ounces ten pennyw't. of Plate afores'd in full discharge for Service perform'd by her late Husband Nicolas ffielding.

To John Harris, his Exec'rs or Assigns, the quantity of thirty two ounces fifteen pennyw't of Plate afores'd, in full discharge of a Claim of nineteen Pound four Shillings, for bringing Several Boat Loads of Timber for Carriages, and Several Boat Loads of Sods, and for ferrying horses from Amboy to New York, for the use of this Colony.

To Rip van Dam, Esq'r. his Execr's or Assigns, the quantity of fifty one ounces and ten pennyw't: of Plate afores'd, in full discharge of a Warrant drawn by the L'd Cornbury, dated the Seventeenth day of May one thousand Seven hundred and two, payable to Hend: Hanse and Ryer Schermerhorne, for presents to the Indians for liberty to Cut Masts for Ships, for his Maj'es. use, and for other demands and acct's, Services done, Goods and Wares advanc'd for the service of this Colony, amounting to two hundred Sixty five Pound five Shillings and five pence half penny.

To John Crook, his Execr's or Assigns, the quantity of one hundred and Twenty five ounces of Plate afores'd, in full discharge of an account of one hundred thirty four Pounds fourteen Shillings and four pence half penny, for Several Sorts of work done in his Maj'es ffort in N: York from the year Seventeen hundred and one, to Seventeen hundred and four, and for five Warrants drawn by Edward Lord Cornbury, one dated the Sixth of Janry, seventeen hundred & three, made payable to the s'd Crook for Sundry necessaries for the Garrison of Albany, and four Warrants drawn by s'd L. Cornbury, payable to said Crooke for his Sallary as Waiter and Gager, one dated the twenty fourth of June, seventeen hundred and four, one dated the twenty-fourth of June, seventeen hundred and Six, one dated the twenty nineth day of Sep'r, Seventeen hundred and Six, and one dated the twenty nineth of Sep't Seventeen hundred and Eight.

To Schibolet Bogardus, and the rest of the Children of Peter Bogardus, dec'd, their or either of their Exec'rs or Assigns, the quantity of eighty three ounces fifteen pennyw't of Plate afores'd, in full discharge of an account of Sixty Seven Pound for mending of Glass windows in the ffort at Albany, and Sallary, as Commissioner for the Kings stores at Albany, and for ffreight of his Sloop, to be Equally divided among the Children of s'd Peter Bogardus, dec'd.

To Isaak D. Riemer, his Exec'rs or Assigns, the quantity of one hundred and thirteen ounces fifteen pennyw't: of Plate afores'd, in full discharge of a Warrant indorsed to him by Capt. Nanfan, dec'd, dated the eighth of Janry, seventeen hundred and one. and drawn by the s'd Nanfan & made payable to himself.

To Jacobus Bayard, his Exec'rs or Assigns, the quantity of fifty Seven Ounces & fifteen pennyw't of Plate afores'd, in full discharge of an acc't of twenty Six Pound and nine Shillings for Several Casks of Beer deliver'd by his ffather Balthazar Bayard, dec'd, for the use of his Majes Garrison at New York, by Order of Jacob Leisler, Esq'r.

To William Chambers, his Exec'rs or Assigns, the quantity of fourteen ounces and ten pennyw't. of Plate afores'd, in full discharge of a Demand of Six Pound twelve Shillings and Six pence, for Several things by him bought and disburs'd by Cap't William Peartree, who was sent by this Governm't ag't. the ffrench Privateers then infesting this Court.

To Coll: Abraham D' Peyster, his Exec'rs or Assigns, the quantity of two hundred fifteen ounces two pennyw't and a half of

Plate afores'd, in full discharge of two Warrants, the one dated the twenty eighth day of Aprl, Seventeen hundred and one, for twenty eight Pound twelve Shillings drawn by his Maj'es. Council in the Absence of the Lieu't. Gov'r John Nanfan, and payable for money laid out by Ryer Schermerhorn and John Latham, Ship-Carpenter, to look for Masts for the Royal Navy, and the other dated the twenty Sixth day of Janry, Seventeen hundred & one, for Sixty nine Pound fifteen Shillings and Eight Pence drawn by John Nanfan, Lieu't. Gov'r, payable to s'd Coll. Abraham D'Peyster, for Beef, Pork and Pease found and Provided by Joh's van Cortlandt for his Maj'es ship ffortune, sent to England with Ship-Timber.

To Anthony Lispinard, his Exec'rs or Assigns, the quantity of nineteen ounces & twelve pennyw't and a half of Plate afores'd, in full discharge of an account of nine Pound, for fetching three Sloop Load of Stockadoes for his Maj'es ffort at New York.

To Daniel Toy his Exec'rs or Assigns, the quantity of thirty Seven Ounces & ten pennyw't of Plate afores'd, in full discharge of a Demand of fifty nine Pound thirteen Shillings & nine pence, for Cartouch boxes, and Sundries deliver'd by him, and three Journeys to the Highlands for the Service of the Governm't.

To Catharina Cooker, her Exec'rs or Assigns, the quantity of Sixty two Ounces and a half of Plate afores'd, in full discharge of a Demand of two hundred and ten Pound two Shillings and four pence halfe penny, for Sundry Services done by Thomas Cooker, her dec'd husband, from the year Sixteen hundred eighty Six, to the year Sixteen hundred ninety eight, for this Governm't.

To Magdalena ffurt, her Exec'rs or Assigns, the quantity of thirty two Ounces and five pennyw't of Plate afores'd, in full discharge of three Warrants drawn by Edward Lord Cornbury, one whereof is dated the eighth of Janry, seventeen hundred and Seven for fourteen Pounds payable to Barth: ffurt &c. for Sundries advanc'd for the use of the Governm't, the Second dated the fifth of April, Seventeen hundred and five, payable to Mr. Perret, &c. for twenty Pound of house Rent, and the third dated the thirteenth day of October, Seventeen hundred and five, payable to Robert Crannel, &c. for Seven Pound and ten Shillings, for his Service as Cockswaine of the Governours barge.

To Jane Tothill, her Exec'rs or Assigns, the quantity of Sixteen Ounces and a half of Plate afores'd, in full discharge of two Warrants drawn by Edward Lord Cornbury, one dated the sixth of

Janry, Seventeen hundred & three, payable to Jeremiah Tothill, dec'd, for Sundries deliver'd by him for the use of this Colony, and the other dated the third of Aug't, seventeen hundred and three, payable to Hillegond Decay, dec'd, for Bread and Biskett deliver'd for the use of this Governm't, when the s'd Lord Cornbury made a Voyage to Albany to visit the five Nations of Indians.

To Omie D'Lagranzie, Sen'r, his Exec'rs or Assigns, the quantity of thirty ounces of Plate afores'd in full discharge of a Claim of Twenty Six Pound five Shillings & nine pence for freight due to him from this Governm't in the year Sixteen hundred & ninety, till the year Sixteen hundred ninety five.

To Johannes Beekman, his Exec'rs or Assigns, the quantity of thirty Seven Ounces fifteen pennyw't of Plate afores'd, in full discharge of an account of Sixty Pound and ten Shillings for his Service and Company for Riding the Patrol upon the ffronteers at Albany in the Expedition against Canada in the year Seventeen hundred & nine.

To Jacob Dingman, his Exec'rs or Assigns, the quantity of Seven Ounces and a half of Plate afores'd, in full discharge of a demand of Six Pound for his being wounded in the Service in the late Expedition ag't Canada.

To William Bradford his Execr's or Assigns, the quantity of one hundred ounces and two Pennyw't and a halfe of Plate afores'd, in full discharge of three Warrants drawn by Edward Lord Cornbury, one dated the first of Ap'l Seventeen hundred and three, Payable to Rob't Walters or Order, for fire-wood for the ffort of New York, and two Warrants dated the Seventeenth day of febry Seventeen hundred and three, payable to John Bradock, &c. for the hire of his Sloop for two Voyages to Suppress Illegall Trade, and for Sundry other Goods and Books deliver'd for the use of the Governm't amounting to the sum of Seventy five Pound four Shillings & ten pence

To Harmanus Van Slyke, his Exec'rs or Assigns, the quantity of Twenty two Ounces and a half of Plate afores'd, in full discharge of an account of eighteen Pound and three Shillings, for five days wages in Company with Several others in the Service of the Governm't, and his loss of time and Expences when wounded in s'd Service.

To Steph: D'Lancey, his Exec'rs or Assigns, the quantity of thirty-four ounces two pennyw't & a half of Plate afores'd, in full discharge of a Warrant assigned him by ffrederik Myndertse, Armorer at ffort Albany, drawne by Edward Lord Cornbury the nineteenth of October, Seventeen hundred & three, being for a years Salary of the s'd Myndertse.

To Jellis van Vorst, his Exec'rs or Assigns, the quantity of fifteen Ounces and fifteen penny'wt of Plate afores'd, in full discharge of a Claim of Seven Pound and four Shillings for Carrying Several Indian Sachims from Schinechtady to Albany, during the Administration of the L'd Bellomont & the Lord Cornbury.

To Cap't. Arent Schuyler, his Exec'rs or Assigns, the quantity of one hundred & Seventy five ounces of Plate afores'd, for Six barrells of powder deliver'd for his Maj'es ffort at Albany in the time of the late happy Revolution, & for the discharge of his acc't amounting to one hundred & twenty five Pounds for Services done for the Governm't.

To Gerrit Symons, Gerrit Verbrakel, Cornelis Polman and John Daniels, their or either of their Exec'rs or Assigns, the quantity of Sixty nine Ounces and fifteen pennyw't of Plate afores'd, for their Service in an Expedition ag't the ffrench of Canada in the yeare Sixteen hundred And ninety, And in full discharge of their account amounting to fifty five Pound & sixteen Shillings.

To Thomas Palmiter, his Exec'rs or Assigns, the quantity of Seventy five Ounces of Plate afores'd in full discharge of an acc't of Seventy Six Pound and Sixteen Shillings for Sundry Services done for this Colony during the Administration of the Lord Bellomont.

To Capt. Lancaster Syms, his Exec'rs or Assigns, the quantity of fifty four ounces twelve pennyw't and a half of Plate afores'd, in full discharge of a Warrant drawn by the Lord Cornbury, dated the first of July, seventeen hundred & eight, payable to himself for Salary, and assign'd to the afores'd Syms.

To Justice Bosch, his Exec'rs or Assigns, the quantity of thirty ounces Seventeen pennyw't and a half of Plate afores'd, in full discharge of a Claim of Twenty four Pound & fifteen Shillings for the hire of his Sloop, which assisted the unloading of Capt. Jones's Ship, which was taken in the Colony Service in the yeare Seventeen hundred and five, in an Expedition ag't some ffrench Privateers then infesting this Coast.

To John Theobalds, his Exec'rs or Assigns, the quantity of fourteen Ounces twelve penny'wt and a halfe of Plate afores'd, in full discharge of a Warrant drawn by the Ld. Cornbury, dated the eight day of May, seventeen hundred and four, for seven Pounds nine Shillings payable to Elizabeth Stokes for nursing Sick Soldiers.

To Mihiel and Belitie Lowrier, their or either of their Exec'rs or Assigns, the quantity of Twenty one ounces twelve penny weight & a half of Plate afores'd, in full discharge of an acc't of nine Pound & eighteen Shillings due to their ffather Christian

Lowrier, dec'd, for the Passage of Several officers and Soldiers to Albany.

To Johannes Bleeker, his Exec'rs or Assigns, the quantity of Eighteen Ounces fifteen pennyw't of Plate afores'd, in full discharge of a Claim of fifteen Pound for his Service, as Interpreter to the Commissioners of the Indian Affairs at Albany.

To ffrans Wessells his Exec'rs or Assigns, the quantity of Seventy five Ounces of Plate afores'd, for Sundry Services done for this Colony.

To Coll. Thomas Willet his Execr's or Assigns, the quantity of three hundred ninety one ounces two & a half pennyw't of Plate afores'd, for sundy Goods and Provisions for the use of the Soldiers under the Comand of Jacob Leisler, Esq'r.

To Rich'd Chapman, his Exec'rs or Assigns, the quantity of fourteen Ounces seventeen pennyw't & a half of Plate afores'd, in full discharge of an account of Six Pound Sixteen Shillings & three pence for Carpenters Work done in his Maj'es ffort at N:York.

To Naning Harminse his Exec'rs or Assigns, the quantity of thirteen Ounces two pennyw't & a half of Plate afores'd, in full discharge of a Warrant drawn by the Lord Cornbury, dated the twenty seventh of febry, in the yeare Seventeen hundred & seven, payable to s'd Harminse for making Conveniences for the Gov'r in his Sloop for his Voyage to Albany in the year Seventeen hundred and four.

To. Robt Livingston, Esq'r his Exec'rs or Assigns, the quantity of three thousand Seven hundred and ten Ounces of Plate afores'd, for the full discharge of Sixteen hundred and ninety six Pounds, claim'd for Arrearages of vitualling the fforces in Co'll. Dongans Expedition to Albany, in the year Sixteen hundred eighty-Seven & eight, & other Incidentals advanc'd by him, and for his Voyage to Onondago by Order of the late Lord Bellomont, Gov'r of this Colony, in the year Seventeen hundred.

To Robert Crannell, his Exec'rs or Assigns, the quantity of twenty five ounces of Plate afores'd, in full discharge for executing the office of Serjeant at Arms to the General Assembly of the Colony of New York.

To Jonathan Whitehead, his Exec'rs or Assigns, the quantity of twelve ounces ten pennyw't of Plate afores'd, for Victualling the Soldiers that March'd from the East End of Long Island to go to Albany in Coll. Dongans Expedition to Albany, in the yeare Sixteen hundred eighty eight.

To Coll. Rich'd Ingoldesby, his Exec'rs or Assigns, the quantity of seven hundred & fifty ounces of Plate afores'd, in full discharge of his Services as Lieu't Gov'r of this Colony.

To Anna D'Peyster, her Exec'rs or Assigns, the quantity of Twenty one ounces Seventeen pennyw't and a half of Plate aforesd, in full discharge of a Warrant drawn by the Lord Cornbury, dated the twenty nineth of June, seventeen hundred & two, Payable to John D'Peyster for a quarters Sallary, as Surveyor of the Customs, and in full discharge of all other Warrants.

To Coll. James Weemes his Exec'rs or Assigns, the quantity of thirty Seven ounces & ten penny'wt of Plate afores'd, for Candles deliver'd for the Garrison at Albany, in the year Seventeen hundred and nine.

To Jennit Merrit, her Exec'rs or Assigns, the quantity of two hundred Seventy nine ounces two penny'wt and a half of Plate afores'd, in full discharge of an account for Services done by her dec'd ffather George Lockhart, in an Expedition to Albany, And also for the Pay of two Men allow'd him, the whole amounting to two hundred thirteen Pound four Shillings and two pence.

To Wybrugh van Borsum & Anna Phenix, their or either of their Exec'rs or Assigns, the quantity of Sixteen Ounces Seventeen pennyw't & a half of Plate aforesaid, for Service perform'd by Harmanus van Borsum and Jacob Phenix, their deceas'd husbands, who were Partners in a Sloop, and Carried up Soldiers to Albany.

To Johannes Janse, Esq'r Isaak D'Riemer & Gerrit Viele, their or either of their Exec'rs or Assigns, the quantity of Eighty two ounces ten pennyw't of Plate afores'd, for bringing two thousand eight hundred Pound of Powder from Philadelphia to his Maj'es ffort of N: York in the time of the late happy Revolution.

To Elizabeth Jordam, her Exec'rs or Assigns, for the use of the heir of Thomas Penniston dec'd, the quantity of fifty ounces of Plate aforesaid, for Sloop hire and Service done by Capt. Penniston in an Expedition against some ffrench Privateers, by Order of this Governm't.

To Abraham Wendell, his Exec'rs or Assigns, the quantity of twenty one ounces five pennyweight of Plate aforesaid, in full discharge of a Warrant drawn by Capt. Nanfan, dated the twenty Sixth day of Jany, Seventeen hundred and one, Payable to John Schuyler for Sundry Necessaries provided by him for the Messengers Sent to the Ounagonge Indians, by Order of the Lord Bellomont.

To Cornelis van der Hoeven, his Exec'rs or Assigns, the quantity of twenty two ounces two penny weight and a halfe of plate, in full discharge of a Claim of Eighty four Pound fourteen shillingsand six pence,for materials taken from his ffather for the use of this Colony, and also in full discharge of a Warrant drawn by the Lord Cornbury, payable to Coll. Schuyler, And by him Endorsed to the said Vanderhoeven.

To David Provoost, Esq'r. his Execr'rs or Assigns, for his Service as Commissioner appointed by the Generall Assembly to receive the Claims of the Governm't, the quantity of one hundred eighty Seven Ounces ten pennyw't of Plate afores'd.

To Jacob Kip, Esq'r his Exec'rs or Assigns, for his Service as Comissioner appointed by the gen'll Assembly to receive the Claims of the Governm't, the quantity of one hundred eighty Seven ounces ten pennyw't of Plate afores'd.

To Maj Bickley, his Exec'rs or Assigns, the quantity of one hundred Sixty five ounces of Plate afores'd, in full discharge of his Claime for his Services in Prosecuting twenty two Negroes convicted of Murder.

To William Sharpass, his Exec'rs or Assigns, the quantity of Sixty ounces two pennyw't & a halfe of Plate, in full discharge of a Claim of Twenty Seven Pound and ten Shillings for his Service and trouble in the Tryal of Several Negro Slaves, in Ap'l, one thousand Seven hundred & twelve.

To Johannes Johnse, Esq'r his Exec'rs or Assigns, the quantity of eleven ounces and five pennyw't of Plate afores'd, for his Expences in Proclaiming King William & Queen Mary, of Blessed Memory.

To Sam'll Provoost, his Exec'rs or Assigns, for the account of Cap't Partridge, the quantity of thirty two ounces twelve pennyw't and a half of Plate afores'd, in full Discharge for his Maj'es King George his Picture.

To Lucresia Hegeman, her Exec'rs or Assigns, the quantity of Sixty two ounces ten pennyw't of Plate afores'd, for the Services perform'd by her dec'd husband Denys Hegeman, for this Colony

To Henry Wileman, his Exec'rs or Assigns, the quantity of twenty two ounces ten penny weight of Plate afores'd, for his Services as Coroner for the Citty and County of New York, in the Yeare Seventeen hundred & twelve, in taking nine Inqusitions on Several Persons that were murder'd by the Negroes, in the time of their Conspiracy in New York.

To his Excellency Robert Hunter, Esq'r Gov'r of this Colony, his Exec'rs or Assigns, the quantity of two thousand five hundred twenty five ounces seven pennyw't and a half of Plate afores'd, for Incidents and sundry Extraordinary disbursem'ts for the Publick Service of this Colony, for which no Provision has been made.

To Martha Mompesson, her Exec'rs or Assigns, the quantity of three hundred and Seventy five ounces afores'd, for the Services perform'd by her dec'd husband for this Governm't.

To the Gentlemen of his Majesties Councill for their extraordinary Services, expences and trouble in the Publick Affairs of this Colony, the quantity of Plate following, vizt.

To Coll. Peter Schuyler, Esq'r his Exec'rs or Assigns, the quantity of two hundred and ffifty ounces of Plate aforesaid, in full discharge of all Claims and Demands whatsoever.

To Coll. Abraham D'Peyster, Esq'r his Exec'rs or Assigns, the quantity of two hundred and ffifty ounces of Plate afores'd.

To Capt. Robt. Walter Esq'r his Exec'rs or Assigns, the quantity of two hundred and ffifty ounces of Plate afores'd.

To Coll. Gerrardus Beekman Esq'r his Exec'rs or Assigns, the quantity of two hundred and ffifty ounces of Plate afores'd.

To Rip van Dam Esq'r his Exec'rs or Assigns, the quantity of two hundred and fifty ounces of Plate afores'd.

To John Barbarie Esq'r his Exec'rs or Assigns, the quantity of two hundred and ffifty ounces of Plate afores'd.

To Adolph Phillipse Esq'r his Exec'rs or Assigns, the quantity of two hundred and ffifty ounces of Plate afores'd.

To Thomas Byerly Esq'r his Exec'rs or Assigns, the quantity of two hundred and ffifty ounces of Plate afores'd.

To George Clarke, Esq'r his Exec'rs or Assigns, the quantity of two hundred and ffifty ounces of Plate afores'd.

To John Johnstone Esq'r his Exec'rs or Assigns, the quanitie of two hundred and ffifty ounces of Plate afores'd.

To Gabriel Ludlow, his Exec'rs or Assigns, the quantity of one hundred and fifty ounces of Plate afores'd, for his Services as Clerk of the General Assembly.

To the Exec'rs or Adm'rs of Cornelis Post, the quantity of one hundred & twelve ounces ten pennyw't of Plate afores'd, for his Services as Door-keeper of the General Assembly, and fire-wood and Candles, &c. furnish'd for the same.

To Lewis Morris Esq'r his Exec'rs or Assigns, the quantity of Sixty two ounces ten pennyw't of Plate afores'd, for Services perform'd by him for the Publick.

To John Thoorn, his Exec'rs or Assigns, the quantity of Fifteen ounces of Plate afores'd for his Services as a Trooper in Coll. Dongans Expedition to Albany in the year Sixteen hundred Eighty-eight.

To Mathys Nack, his Exec'rs or Assigns, the quantity of thirteen ounces two pennyw't and a halfe of Plate afores'd, in full discharge of a Claim of fifteen Pound for his Service in an Expedition to Onondago with Major Dirk Wessells and Rob't Saundors.

To Cornelia Gilbert, Widow of John Gilbert, dec'd, her Exec'rs or Assigns, the quantity of thirteen Seven ounce ten pennyw't of Plate afores'd, in full discharge of an acc't of fifty two Pound Eleven shillings and eight pence, for Bread deliver'd to his Maj'es Souldiers at Albany in the year Sixteen hundred & eighty & eighty two.

To Mary Tudor, Widow of Cap't John Tudor, her Exec'rs or Assigns, the quantity of thirty seven ounces ten penny w't of Plate afores'd, in full discharge of an account of three hundred Seventy one Pound four Shillings and two pence farthing.

To the Mayor and Comonalty of the City of New York, the quantity of five hundred ounces of Plate afores'd, for the Repair of the Citty Hall of s'd Citty.

To the Exec'rs of Cornelius Willet, or their Assigns, the quantity of Twenty five ounces of Plate afores'd, for his Service in the Expedition against Canada in the year Seventeen hundred & nine.

To William van Ale, his Exec'rs or Assigns, the quantity of six ounces ten pennyw't of Plate afores'd, for the Passage of two Comissioners, two Interpreters and six Sachims from Albany to New York.

To Bernardus ffreeman, his Exec'rs or Assigns, the quantity of Twenty five ounces of Plate afores'd, in full discharge of an account of Twenty Pound for Service done by Livinus van Schaick, for the use of this Colony, by Order of Governour Dongan.

To Coll. Peter Schuyler, Coll Killiaen van Renselaer, and the Widow of Major Dirk Wessels dec'd, they or either of their Exec'rs or Assigns, the quantity of ninety nine ounces fifteen pennyw't of Plate afores'd in full discharge of a Warrant for five & forty Pounds twelve Shillings granted by the Lord Cornbury dated the third of November Seventeen hundred & four payable to Peter Schuyler, Killian van Renselaer, Dirk Wessells and Johannes Coertlandt, for Shoes to three Companys of Souldiers which were posted at Albany.

To Thomas Dyer, his Execr's or Assigns, the quantity of fifty Seven ounces fifteen pennyw't of Plate afores'd, in full discharge of an account amounting to forty Six Pound four Shillings, for Car-

penters work in his Maj'es ffort at New York, from seventeen hundred & four to seventeen hundred & Six.

To Lewis Morris, his Exec'rs or Assigns, for his drawing Several Bills and Acts of the General Assembly of this Colony, the quantity of one hundred & twenty five ounces of Plate afores'd.

To David Provoost, Johannes Jansen and Jacobus Kip, Esq'rs their or either of the Exec'rs or Assigns, the quantity of fifty five ounces of Plate to each of them, for Services done by them by Order of the General Assembly of this Colony.

To Henry Wileman, his exec'rs or Assigns, the quantity of one hundred and ffifty ounces of Plate aforesaid.

To Robert Livingston, Junr. Attorney at Law, for his Services in transcribing & engrossing this Act, Seven & fourty ounces & a half of Plate afores'd.

To John Haskoll, his Execr's or Assigns, the quantity of fifty ounces of Plate afores'd.

And be it Enacted by the Authority afores'd, That the Treasurer of this Colony, for the time being, shall pay in the Bills of Credit made current by this Act, unto the following Persons, their Exec'rs, Adm'rs. or Assigns, being some of them Officers and Souldiers now alive, who serv'd in his Maj'es ffort at New York under the Comand of Capt Jacob Leisler, in the years Sixteen hundred eighty nine & ninety, & some of them the Widows, Children, or nearest Relation of Such Officers or Souldiers as Perform'd the said Service, & are since departed this life, the Several and respective quantities of Plate following, that is to say,

To Juriaen Nagel, his Exec'rs or Assigns, the quantity of forty three ounces fifteen pennyw't of Plate afores'd.

To Albertie Soet, Widow of Johannes Soet, her Exec'rs or Assigns, the quantity of forty one ounces ten penny't of Plate afores'd.

To Johannes Burger, his Exec'rs or Assigns, the quantity of one hundred & fifteen ounces Seventeen pennyw't & one half of Plate afores'd, being for the Services Perform'd in ffort & Comp'e afores'd, by himself and his Brother Elias Burger, dec'd.

To Peter Bogaert, his Exec'rs or Assigns, the quantity of thirty Seven ounces five pennyw't of Plate aforesaid.

To Reynier Reyserick, his Exec'rs or Assigns, the quantity of forty Ounces of Plate afores'd.

To Philip Trevis, his Exec'rs or Assigns, the quantity of twelve ounces ten pennyw't of Plate afores'd.

To Johannes Tibout, his Exec'rs or Assigns, the quantiy of Thirty four ounces Seven pennyw't and a half of Plate afores'd.

To Jacob Kool, his Exec'rs or Assigns, the quantity of five ounces & Seventeen pennyw't & a half of Plate afores'd.

To John Cockeveer, his Exec'rs or Assigns, the quantity of fifty three ounces & five pennyw't of Plate afores'd.

To Alexander Phenix, his Exec'rs or Assigns, the quantity of Twenty four ounces & five pennyw't of Plate afores'd, for Service perform'd in ffort & Comp'e afores'd, by Isaak La Montagnie.

To Rutger van Hoorn, his Exec'rs or Assigns, the quantity of sixty four ounces & fifteen pennyw't of Plate afores'd.

To Peter Romen his Exec'rs or Assigns, the quantity of thirty three ounces & five pennyw't of Plate afores'd, for Service done in ffort & Comp'e afores'd, by his Brother Jacob Romen, dec'd

To Abraham Splinter, his Exec'rs or Assigns, the quantity of forty one ounces Seven pennyw't & a half of Plate afores'd.

To Henry van der Spiegel, his Exec'rs or Assigns, the quantity of Twenty ounces Seventeen pennyw't & a half of Plate afores'd, for Service perform'd in ffort & Comp'e aforesaid, by his Brother Tobias, dec'd.

To Catharina Barns her Exec'rs or Assigns, the quantity of Twenty Seven ounces ten pennyw't of Plate afores'd, for Service done in ffort & Comp'e afores'd, by David Thomas.

To ffrederik Shurmans, his Exec'rs or Assigns, the quantity of fourteen ounces Seventeen pennyw't & a half of Plate afores'd.

To Sarah van Arnhem, her Exec'rs or Assigns, the quantity of Thirty three ounces Seventeen Penny weight & a half of Plate for Service perform'd in ffort & Comp'e afores'd, by her dec'd husband.

To Susanna Wood, & her Sister Anna Churc-hill, Co-heirs of their ffather William Churc-hill, deceas'd, their or either of their Exec'rs or Assigns, the quantity of one hundred thirty four ounces fifteen Pennyw't of Plate afores'd to be Equally divided between them for Service perform'd by their s'd ffather in ffort & Comp'e afores'd, as a Lieu't.

To Sarah & Janneke Peerce, their or either of their Exec'rs, the quantity of Thirty one ounces of Plate afores'd, to be Equally divided amongst them, and the rest of the Children of William Peerce, deceas'd, for Service perform'd by the s'd Peerce in ffort & Comp'e afores'd.

To Simon Brestede, his Exec'rs or Assigns, the quantity of nineteen ounces ten pennyw't of Plate afores'd, for Service perform'd in ffort & Comp'e afores'd, by his Brother Wouter Brestede, dec'd.

To Mary Burger, her Exec'rs or Assigns, the quantity of Twenty nine ounces seven pennyw't & a half of Plate afores'd, for service perform'd by her husband Peter Sinham, deceas'd.

To Daniel de Voor, his Exec'rs or Assigns, the quantity of twenty five ounces fifteen pennyw't of Plate afores'd.

To Abraham Metselaer, his Exec'rs or Assigns, the quantity of Twenty Eight ounces of Plate afores'd.

To John Painter, his Exec'rs or Assigns, the quantity of Twenty nine ounces Twelve pennyw't & a half of Plate afores'd.

To Maike van der Werf, her exec'rs or Assigns, the quantity of seventeen ounces twelve pennyw't & a half of Plate afores'd, for Service perform'd in ffort & Comp'e afores'd, by her husband Cornelis van der Werf, dec'd.

To Engeltie Gerritse, her Exec'rs or Assigns, the quantity of Sixteen ounces ten pennyw't of Plate afores'd, for Service perform'd in ffort & Comp'e aforesaid, by her dec'd husband Otto Gerritse.

To Johannes Cock & David Cock, their or either of there Exec'rs or Assigns, the quantity of forty three ounces five pennyw't of Plate afores'd for Service done in ffort & Comp'e by their ffather Jocobus Cork, dec'd.

To Iba van Shyven, her Exec'rs or Assigns, the quantity of Twenty two ounces fifteen pennyw't of Plate afores'd, for Service perform'd by her deceas'd husband in the Comp'e afores'd.

To Willem de Graw, his Exec'rs or Assigns, the quantity of thirteen ounces twelve pennyw't & a half of Plate afores'd, for Service perform'd in ffort & Comp'e, by his dec'd ffather.

To John Henry, his Exec'rs or Assigns, the quantity of fifty five ounces of Plate afores'd.

To Anna Jackson, Daughter of Hartman Wessells, her Exec'rs or Assigns the quantity of fifty ounces of Plate afores'd, for Service done by her dec'd ffather, as Surgeon of the s'd ffort, & Company.

It is also Enacted by the Authority afores'd, that the Treasurer do pay in Bills of Credit afores'd, unto the following Persons, their Exec'rs, Adm'rs or Assigns, being some of them Officers & Souldiers now alive, who serv'd in his Maj'es ffort at Albany, under the Comand of Capt. Jochim Staats in the years Sixteen hundred eighty nine & ninety, & some of them the Widows & Children or nearest Relation of Such Officers or Souldiers as perform'd the s'd service, and are Since departed this life, the Severall & Respective quantities of Plate following, that is to Say.

To Hendrik Ate, his Exec'rs or Assigns, the quantity of Twenty nine ounces Seven pennyw't & a half of Plate afores'd.

To Noah Barton, his Exec'rs or Assigns, the quantity of Twenty three ounces Seven pennyw't & a halfe of Plate afores'd, to be Equally divided among the Brethern of Elisa Barton who perform'd the Service in the ffort, & Company afores'd.

To Edward Hendcok, his Exec'rs or Assigns, the quantity of Thirty seven ounces ten pennyw't of Plate afores'd.

To Johannes Symonse, his Exec'rs or Assigns, the quantity of Eighteen ounces twelve pennyw't & a half of Plate afores'd.

To ffrancis Neel, his Exec'rs or Assigns, the quantity of Twenty Seven ounces of Plate afores'd.

To Jacob Lawrence, his Exec'rs or Assigns, the quantity of thirty ounces twelve & a half pennyw't of Plate afores'd.

To Abraham Lawrence, his Exec'rs or Assigns, the quantity of nine ounces Seven pennyw't & a half of Plate afores'd.

To John Lawrence, his Exec'rs or Assigns, the quantity of Twenty five ounces of Plate afores'd.

To Joseph Robinson, his Exec'rs or Assigns, the quantity of fourteen ounces twelve pennyw't & a half of Plate afores'd, for Service perform'd in ffort, & Comp'e afores'd, by his ffather Thomas Robinson, dec'd, to be Equally divided among the Children of the s'd Thomas Robinson, dec'd.

To Sarah Wright, her Exec'rs or Assigns, the quantity of Sixty two Ounces ten pennyw't of Plate afores'd, for Service done by her husband, Lieut. Jonathan Wright, dec'd, as Lieut. of the s'd Company.

To Thomas Bishop, his Exec'rs or Assigns, the quantity of seventeen ounces ten pennyw't of Plate afores'd, for Service done in ffort, & Comp'e aforesaid, by his deceas'd ffather.

To Thomas Williams, his Exec'rs or Assigns, the quantity of Thirty Seven ounces two pennyw't & a half of Plate aforesaid.

To William Hogan, his Exec'rs or Assigns, the quantity of Twenty nine ounces Seventeen pennyw't & a half of Plate afores'd.

To Jacob Staats, his Exec'rs or Assigns, the quantity of fifty-two ounces ten pennyw't of Plate afores'd, for his Service as Surgeon to the said Comp'e.

To Tho. Noxon, his Exec'rs or Assigns, the quantity of Twenty one ounces twelve pennyw't & a half of Plate afores'd.

To David Lewis, his exec'rs or Assigns, the quantity of forty ounces Seventeen pennyw't & a half of Plate afores'd.

To Solomon Boogh, his Exec'rs or Assigns the quantity of Seven ounces twelve pennyw't & a half of Plate afores'd.

To Jacob Realomont, his Exec'rs or Assigns, the quantity of Thirty ounces of Plate afores'd, for Service done in the ffort & Comp'e, by his Brother Hendrik Realeomont, dec'd.

To Josuah Anderson, his Exec'rs or Assigns, the quantity of thirty two ounces ten pennyw't of Plate afores'd.

To Nathaniel Bayly, his Exec'rs or Assigns, the quantity of Twenty four ounces Seven pennyw't and a half of Plate afores'd, being for Service done in ffort, & Comp'e afores'd, by his Brother Nathan Bayly, dec'd.

To Geertie Ten Eyk, Widow of Jacob Ten Eyk, her Exec'rs or Assigns, the quantity of fifty three ounces five pennyw't of Plate afores'd, for Shoes deliver'd to the s'd Comp'e.

To the Exec'rs of Alexander Keny, the quantity of twelve ounces & ten pennyw't of Plate afores'd, for Services done by s'd Keny.

To the Brittish Officers following, which tarried here at the Request of this Colony, the quantity of Six hundred ounces of Plate afores'd, in full discharge of all their Claims upon this Collony, the Respective following quantities of Plate, vizt.

To William Hellin, his Exec'rs or Assigns, the quantity of fifty ounces of plate afores'd.

To Abraham Jea, his Exec'rs or Assigns, the quantity of fifty ounces of Plate afores'd.

To Walter Harris, his Exec'rs or Assigns, the quantity of fifty ounces of plate aforesd.

To Timothy Bayly, his Exec'rs or Assigns, the quantity of fifty ounces of Plate afores'd.

To John Bennet, his Exec'rs or Assigns, the quantity of fifty ounces of Plate afores'd.

To Andrew Nicolls, his Exec'rs or Assigns the quantity of fifty ounces of Plate afores'd.

To Edward Blood, his Exec'rs or Assigns the quantity of fifty ounces of Plate afores'd.

To Sam'll Babington, his Exec'rs or Assigns the quantity of fifty ounces of Plate afores'd.

To Rich'd Kitchiner, his Exec'rs or Assigns, the quantity of fifty ounces of Plate afores'd.

To Matthew Loo, his Exec'rs or Assigns the quantity of fifty ounces of Plate afores'd.

To the Exec'rs or Admr's of William Willkingson, the quantity of fifty ounces of Plate afores'd.

To Thomas Sherlok, his Exec'rs or Assigns, the quantity of fifty ounces of Plate afores'd, for Provisions and other necessaries furnish'd James Hall, one of the Brittish Officers, deceas'd.

To the following Persons their Exec'rs or Assigns the respective Sums annexed to each of their names for the loss of their Shares in

the Hoorn ffrigat, which was taken from them by Gov'r Slaughter for the use of the Governm't, vizt.

To Barent & Johannes Hebon, their or either of their Exec'rs or Assigns, the quantity of twelve ounces & a half of Plate afores'd.

To Gerrit Viele, his Exec'rs or Assigns, the quantity of Eighteen ounces fifteen pennyw't of Plate afores'd.

To Thomas Evans, his Exec'rs or Assigns, the quantity of twelve ounces & a half of Plate afores'd.

To Gerrit D'Boogh, his Exec'rs or Assigns, the quantity of twelve ounces & a half of Plate afores'd.

To Sam'll Waldron, his Exec'rs or Assigns, the quantity of twelve ounces & a half of Plate afores'd.

To Elizabeth Burger, Widow, her Exec'rs or Assigns, the quantity of twelve ounces & a half of Plate afores'd.

To Rebecca Goederis, Widow, her Exec'rs or Assigns, the quantity of twenty five ounces of Plate afores'd.

To Lammert Sickells, his Exec'rs or Assigns, the quantity of twelve ounces & a half of Plate afores'd.

To Catharina Viele, Widow her Exec'rs or Assigns, the quantity of eighteen ounces fifteen pennyw't of Plate afores'd.

To Johannes Hardenbrook, his Exec'rs or Assigns, the quantity of twelve ounces & a half of Plate afores'd.

To Susanna van Tienhoeven, her Exec'rs or Assigns, the quantity of twelve ounces & a half of Plate afores'd.

To the Children of Aert Elbertse, deceas'd, their or either of their Exec'rs or Assigns, the quantity of twelve ounces & a half of Plate afores'd.

To the following Car-men, their Exec'rs, Adm'rs or Assigns, the respective quantities of Plate affix'd to their names, for carrying Stockadoes, Sand, Sods, &c. for his Majesties ffort at New York in the years Seventeen hundred & two & Seventeen hundred & three, vizt.

To Thomas Allison, his Exec'rs or Assigns, the quantity of twenty three ounces three pennyw't of Plate afores'd.

To Hubert van den Bergh, his Exec'rs or Assigns, the quantity of fifteen ounces four & a half pennyw't of Plate afores'd.

To John Lukas, his exec'rs or Assigns, the quantity of twenty two ounces Seven & a half pennyw't of Plate as aforesd.

To Edward Merrit, his Exec'rs or Assigns, the quantity of Twenty two ounces Seven & a half pennyw't of Plate afores'd.

To William Stoaks, his Exec'rs or Assigns, the quantity of Twenty two ounces Seven & a half pennyw't of Plate as afores'd.

To John Dyer, his Exec'rs or Assigns, the quantity of Seven ounces Seventeen & a half Pennyw't of Plate as afores'd.

To George Williams, his Exec'rs or Assigns, the quantity of twenty two ounces Seven & a half pennyw't of Plate as afores'd.

To Benjamin Hemstead, his Exec'rs or Assigns, the quantity of fourteen ounces ten pennyw't of Plate afores'd.

To Edward Davis, his Exec'rs or Assigns, the quantity of fourteen ounces & ten pennyw't of Plate afores'd.

To Daniel Jones, his Exec'rs or Assigns, the quantity of thirteen ounces Seventeen pennyw't & a half of Plate afores'd.

To Robert Bussey, his Exec'rs or Assigns, the quantity of nine ounces Seven & a half pennyw't of Plate afores'd.

To John Cure, his Exec'rs or Assigns, the quantity of four ounces Seven & a half pennyw't of Plate afores'd.

It is also Enacted by the Authority afores'd, That the Treasurer do pay in Bills of Credit afores'd, unto the following Persons, their Exec'rs, Adm'rs or Assigns, being some of them Officers & Souldiers now alive, who serv'd on the ffronteers at Albany, under the Comand of Capt Barent Lewis, in the years Sixteen hundred Eighty nine & ninety, & Some of them the Widows, Children or nearest Relations of Such Officers or Souldiers as perform'd the s'd Service, & are since departed this life, the Several & respective quantities of Plate following, that is to Say.

To Gerrit Wouterse, his Exec'rs or Assigns, the quantity of forty three ounces fifteen pennyw't of Plate afores'd.

To David Coesaert, his Exec'rs or Assigns, the quantity of twenty ounces five pennyw't of Plate afores'd

To Gerrit Burger, his Exec'rs or Assigns, the quantity of Eighteen ounces Seven & a half penny-w't of Plate afores'd.

To Thomas Van Boskerk, his Exec'rs or Assigns, the quantity of thirty Seven ounces ten pennyw't of Plate afores'd.

To Johannes Nys, his Exec'rs or Assigns, the quantity of thirty ounces of Plate afores'd.

To Peter Luykasse, his Exec'rs or Assigns, the quantity of nineteen ounces two & a half pennyw't of Plate afores'd.

To Thomas Skillman, his Exec'rs or Assigns, the quantity of fourteen ounces seventeen & a half pennyw't of Plate afores'd.

To William Tyse, his Exec'rs or Assigns, the quantity of nineteen ounces twelve & a half pennyw't of Plate afores'd.

To ffemmetie Andriese, her Exec'rs or Assigns, the quantity of nine ounces Seven & a half pennyw't of Plate afores'd, for

Service perform'd by her deceas'd husband Dirk Andriese in the ffronteers at Albany, in s'd Comp'e.

To Hester ffranse van Dyck, her Exec'rs or Assigns, the quantity of twenty two ounces & ten pennyw't of Plate afores'd, for Service perform'd by her deceas'd husband Tyme ffranse, in the ffronteers at Albany in s'd Comp'e.

To Teunis Woertman, his Exec'rs or Assigns, the quantity of twenty ounces fifteen pennyw't of Plate afores'd.

To Peter Loysen, his Exec'rs or Assigns, the quantity of twenty ounces two pennyw't & a half of Plate afores'd.

To Jacob Cassow, his Exec'rs or Assigns, the quantity of Seventeen ounces of Plate afores'd.

To Johs. Langestrandt, his Exec'rs or Assigns, the quantity of Eighteen ounces & Seventeen pennyw't & a half of Plate as afores'd.

To Benjamin van de Water, his Exec'rs or Assigns, the quantity of Eighteen ounces fifteen pennyw't of Plate afores'd.

To Aron van Noortstrandt, his Exec'rs or Assigns, the quantity of twenty five ounces of Plate afores'd.

To the Children of John Shute, dec'd, their or either of their Exec'rs, the quantity of thirty ounces of Plate afores'd.

To John Gansell, his Exec'rs or Assigns, the quantity of Seven Ounces two & a half pennyw't of Plate afores'd.

To Hendricus Beekman, his Exec'rs or Assigns, the quantity of four & forty ounces five pennyw't of Plate afores'd.

To Teunis Titus, his Exec'rs or Assigns, the quantity of twenty one ounces two & a half pennyw't of Plate afores'd.

To Henry Meyer, Molatto, his Exec'rs or Assigns, the quantity of Seventeen ounces fifteen pennyw't of Plate afores'd.

To Isaak Denham, his Exec'rs or Assigns, the quantity of forty ounces of Plate afores'd.

To Susannah van Bounnell, her Exec'rs or Assigns, the quantity of thirty three ounces ten pennyw't of Plate afores'd, for Service perform'd in the Comp'e afores'd, by her husband Jerominus van Bounnell deceas'd.

To David Danielse, his Exec'rs or Assigns, the quantity of fifteen ounces Seven & a half pennyw't of Plate afores'd.

To John Loats, his Exec'rs or Assigns, the quantity of nineteen Ounces ten pennyw't of Plate afores'd.

To Peter ffransisco, his Exec'rs or Assigns, the quantity of twelve & a half pennyw't of Plate afores'd.

To Johs. Thomasse, his Exec'rs or Assigns, the quantity of four ounces two & a half pennyw't of Plate afores'd.

To Johannes Rees, his Exec'rs or Assigns, the quantitie of fourteen ounces Seventeen & a half pennyw't of Plate afores'd.

To Mary & Eliz: d'Warham, the Co-heirs of Jacobus d'Warham, dec'd, their or either of their Exec'rs or Assigns, the quantity of Eighty three ounces Seventeen & a half pennyw't of Plate afores'd, for service perform'd in s'd Comp'e by their s'd ffather, Jacobus d'Warham, dec'd.

To Anna vander Spiegel, Widow, her Exec'rs or Assigns, the quantity of eight four ounces ten pennyw't of Plate afores'd, for Service perform'd by her husband Jacobus vander Spiegel, dec'd, as Lieut of s'd Compe.

To Tho: Humphreys, his Exec'rs or Assigns, the quantity of twelve ounces ten pennyw't of Plate afores'd.

To Eliz: Disborough, her Exec'rs or Assigns, the quantity of twelve ounces ten pennyw't of Plate afores'd, for Service perform'd in s'd Comp'e by her dec'd husbands ffather John Bassett.

To John Anmot, his Executors or Assigns, the quantity of twelve ounces ten pennyw't of plate aforesaid.

To Abraham and Gerritt Kettletas, and their Sisters Child to be Equally Divided among them, or their Executors or assigns, the quantity of thirty ounces of plate aforesaid, for Service performed in said Company by their Brother John Kettletas, Deceased.

To Jacob Salomon's free Negro, his Executors or Assigns, the Quantity of thirty Seven Ounces ten penny weight aforesaid.

To John Baker, his Executors or assigns, the quantity of thirty five ounces twelve and half pennyw't of plate aforesaid.

To Enoch Andriese, his Executors or Assigns, the quantity of twenty Seven Ounces fifteen penny weight of plate aforesaid.

To William Atkins, his Executors or Assigns, the Quantity of twelve Ounces ten pennyweight of plate afores'd.

To Manuell Gantalis Duck, his Executors or assigns, ye Quantity of fifty ounces of plate aforesaid.

To Antie Sluyck, Widow, and Relict of Johannes Ellsworth, her Executors or assigns, the quantity of twenty one ounces Seventeen and a half penny weight of plate aforesaid, for Service performed in ye Said Company by her said Deceased husband.

To Tiek Van Dyck, his Executors or assigns, the quantity of thirteen ounces ten pennyweight of plate aforesaid.

To Jacob Van Doorn and Jacob Laning, their or either Executors or assigns, the quantity of thirty two ounces fifteen pennyweight of plate aforesaid.

To Mary Van Dyck, Widow, her Executors or assigns, the Quantity of thirty ounces of plate aforesaid, for Service performed by her Deceased husband henry Van Dyck, as Surgeon to the said Company.

To Johannes Van Bleerkum, his Executors or assigns, the quantity of twenty five ounces of Plate aforesaid.

To Mary Bries, her Executors or assigns, the quantity of thirty Nine Ounces Seven and a half pennyweight of plate aforesaid, for Shoes, &c.

It is also Enacted by the Authority aforesaid, That the Treasurer of this Colony, for ye time being, Do pay in Bills of Credit aforesaid, unto ye following persons, their Executors, Administ'rs or assigns, being Some of them officers and Soldiers now alive, who Served on the frontiers at Albany under the Command of Capt Gabriel Thompson, in ye Year one thousand Six hundred and Eighty Nine And One thousand Six hundred and Ninety, And Some of them the widows, Children or nearest Relations of Such officers or Soldiers as performed the said Service, And are Since Deceased, the Several and respective quantities of plate following, vizt.

To the Executors or Administrators of the said Gabriel Thompson, the Sum of Two hundred and ffifty Ounces of Plate aforesaid, for Service performed by him as Captain of the said Company on the ffrontiers at Albany.

To Benjamin Harrison, his Executors or assigns, the quantity of Seven Ounces & ten pennyweight of plate afores'd.

To Abel Riddenhaes, his Executors or Assigns, the quantity of forty Ounces Seven and a half pennyweight of plate aforesaid.

To Roger Barton, his Executors or assigns, for himself and the rest of ye Children of Roger Barton, Dec'd, their Executors or assigns, the quantity of Eighty Seven ounces Seven and a half penny weight of plate aforesaid, being for Service performed by their Decd father, as Lieutenant of Said Company.

To Susannah Ogden, her Executors or assigns, the Quantity of Eighteen Ounces twelve and a half penny weight of plate aforesaid, for Service performed by her Dec'd husband in s'd Company.

To Anna ffyn, her Exec'rs or assigns, the quantity of twenty Ounces five penny weight of plate aforesaid, for Service performed in said Company by her Deceased husband Johannes ffyn.

To Hans Pier, his Executors or assigns, the quantity of ten Ounces ten pennyweight of plate afores'd, for services performed by Robert Volharp, Deceased, in said Company.

To Zacharias Sickells, his Exec'rs or assigns, the quantity of three ounces Seventeen pennyweight and A half of plate aforesaid.

To John Mack Donnell, alias Highlander, his Exec'rs or assigns, the quantity of thirty ounces and ten penny weight of plate aforesaid.

To William Hopkins, his Exec'rs or assigns, the quantity of thirteen Ounces fifteen penny weight of plate aforesaid.

IT is also Enacted by the Authority aforesaid, That the Treasurer do pay in Bills of Credit aforesaid, unto the following persons, their Executors, Administrators or assigns, being Some of them officers and Soldiers now alive, who Served on the frontiers at Albany, under ye Command of Capt John Thomas, in the years One thousand Six hundred and Eighty Nine And One thousand Six hundred & Ninety, and Some of them the Widows, Children or nearest Relations of Such officers or Soldiers as performed the Said Service, And are Since Departed this Life, the Several and Respective quantities of plate following, that is to Say,

To Sophia Thomas, her Exec'rs or Assigns, the Quantity of One hundred and twenty five ounces of plate aforesaid, for Service performed by her Dec'd husband, John Thomas, as Capt of s'd Company.

To Isaiah Bartlet, his Exec'rs or Assigns, the quantity of fourteen ounces Seven and a half penny weight aforesaid.

To Thomas Chambers, his Executors or Assigns, the quantity of twenty two Ounces and ten penny weight of plate aforesaid.

To John Embrie, his Exec'rs or Assigns, the quantity of Twenty Ounces of plate aforesaid.

To Albertus Holst, his Executors or assigns, for himself and for the use of all ye Children of his father Lawrence Holst, Deceased, to be equally Divided amongst them, their Executors or Assigns, the quantity of Eighteen Ounces fifteen pennyweight of plate aforesaid.

To Simon Westphael, his Exec'rs or assigns, the quantity of Seven Ounces ten penny weight of plate aforesaid.

To the Children of Anthony Swartwout, Deceased, their or either Exec'rs or Assigns, to be equally Divided amongst them, the quantity of Seven Ounces ten pennyweight afores'd.

To Cornelis D'Peyster, his Exec'rs or Assigns, the quantity of Seven Ounces ten pennyweigh't of plate afores'd.

To Eva Decker, her Exec'rs or assigns, the Quantity of Eighteen ounces five pennyweight of plate aforesaid, for Service performed in said Company by her Deced husband Matthys Decker.

To Jacob Hicks, Johannes Vanwyck and Joseph Budd, their or either of their Exec'rs or assigns, each of them the Quantity of Seventeen Ounces ten pennyweight of plate aforesaid.

To John Clute, his Executors or assigns, the quantity of fifty one ounces Seven and a half pennyweight of plate aforesaid.

IT is also Enacted by the authority aforesaid, That the Treasurer of this Colony, for the time being, Sall pay in Bills of Credit made Currant by this Act, unto the following persons, their Executors, Administrators or assigns, the Several and Respective quantitys of plate following, it being for sundry Arms left in his Maties ffort at New York, And taken from Some of the Inhabitants of this City, and Carried to the said ffort in ye year One thousand six hundred & Ninety one, for the Service of their Maties King William & Queen Mary, of Glorious Memory, towit,

To ffrancis More, his Executors or Assigns, the Quantity of twelve Ounces of plate aforesaid.

To Johannes Laqueer, his Exec'rs or assigns, the quantity of twenty five Ounces five penny weight of plate aforesaid.

To Engelbert Lott, his Exec'rs or assigns, the quantity of twelve ounces ten pennyweight of plate afores'd.

To Casparis Mebie, his Exec'rs or assigns, the Quantity of Seventeen Ounces two and A half pennyweight of plate aforesaid.

To Orseltie Van Dyck, her Exec'rs or assigns, the Quantity of ten Ounces of plate aforesaid.

To Elizabeth fforeest, her Executors or Assigns, the quantity of Ninety ounces of plate aforesaid for Locks of Indians Guns, &c.

To Charles Morgan, his Executors or assigns, the quantity of six Ounces & five pennyweight of Plate aforesaid.

To Leger Gerritse, his Exec'rs or assigns, the quantity of twelve ounces of plate aforesaid.

To Lambert Janse, his Exec'rs or assigns, the quantity of three Ounces & fifteen pennyweight of plate aforesaid.

To Hendricus Kip, his Exec'rs or assigns, the quantity of Eleven Ounces ten pennyweight of plate aforesaid.

To Isaac Suedker, his Exec'rs or assigns, the quantity of three ounces and fifteen pennyweigh't of plate aforesaid.

To Cornelius Kuyper, Esq'r his Exec'rs or assigns, the quantity of ten Ounces Seventeen and A half pennyweight of plate aforesaid.

To Elizabeth Salm, her Exec'rs or assigns, the quantiy of three Ounces and fifteen pennyweight of plate aforesaid.

To peter Cornell, his Exec'rs or assigns, the quantity of twelve Ounces ten pennyweight of Plate aforesaid.

To Barent Sweam, his Exec'rs or assigns, the quantity of three ounces and fifteen pennyweight of plate aforesaid.

To Jacob Hendrickse, his Exec'rs or assigns, the quantity of eleven ounces fifteen pennyweight of plate aforesaid.

To John De Pew, and Susannah Parmiter, their or either of their Exec'rs or assigns, the quantity of five Ounces and twelve pennyweight and a half of plate aforesaid.

To Teunis Titus, his Exec'rs or assigns, the quantity of ten Ounces of plate aforesaid.

To Hendrick Jansen, his Exec'rs or assigns, the quantity of Eleven Ounces ten pennyweight of Plate aforesaid.

To William Post, his Executors or assigns, the quantity of twelve ounces of Plate aforesaid.

To Mary Matchcraft, her Executors or assigns, the quantity of Eight ounces two and a half pennyweight of Plate aforesaid.

To ffrederick Symense, his Exec'rs or assigns, the quantity of twelve Ounces of plate aforesaid

To Gabriel Sprong, his Exec'rs or assigns, the quantity of ffour Ounces two and a half pennyweight of plate aforesaid

To Joost Dury, his Exec'rs or assigns, the quantity of five Ounces two and a half penny weight of plate aforesaid,

To peter Bogart, his Exec'rs or assigns, the quantity of three ounces fifteen pennyweight of plate aforesaid.

To Reymer Keyserick, his Exec'rs or assigns, the quantity of twelve Ounces fifteen pennyweight of plate aforesaid.

To Nicolas Bogaert, his Exec'rs or assigns, the quantity of three Ounces five pennyweig't of plate aforesaid.

To Cornelius Catt, his Exec'rs or Assigns, the quantity of three Ounces fifteen pennyweight of plate aforesaid.

To Elizabeth ffisher, her Exec'rs or assigns, the quantity of Eighteen Ounces twelve and a half pennyweight of plate aforesaid.

To Dirk Volkertse, his Exe'crs or assigns, the quantity of Nine Ounces fifteen pennyweight of plate afores'd.

To Johannes Cuyler, Esq'r his Exec'rs or assigns, the quantity of ten Ounces of plate aforesaid.

To Leonard Lewis, Esqr his Exec'rs or assigns the quantity of thirty Ounces of plate aforesaid.

To Jeronimus Duchain, Joseph Bastide and Nicolas Larsillore, their or either of their Exec'rs or assigns, the quantity of twenty

five Ounces two and A half pennyweight of plate aforesaid, to be equally divided Amongst them.

To Cornelius van Brunt, his Exec'rs or assigns, the quantity of ten Ounces Seventeen and a half pennyweight of plate aforesaid.

To Henry Suydman, his Exec'rs or assigns, the quantity of Six Ounces ten pennyweight of plate afores'd.

To William Titworst, his Exec'rs or assigns, the quantity of forty Ounces of plate aforesaid.

To Joost Van Brunt, his Exec'rs or assigns, the Quantity of four Ounces Seven and a half pennyweight of plate aforesaid.

To Jacob ffortune, his Exec'rs or assigns, the quantity of ffourteen Ounces two and a half pennyweight of plate aforesaid.

To Daniel Hendrickse Bront, his Exec'rs or assigns, the quantity of six ounces five pennyweight of plate aforesaid.

To John Gerritse Van Cowenhoven, his Exec'rs or assigns, the Qu't of Seven Ounces ten pennyweight of plate aforesaid.

To Jacob Cowenhoven, his Exec'rs or assigns, the quantity of five Ounces Seventeen and a half pennyweight of plate aforesaid.

To Japie Hardenbergh, her Exec'r's or assigns, the quantity of twenty three Ounces two and a half pennyweight of plate aforesaid.

To Lammert Andries, his Exec'r's or assigns, the quantity of Seven Ounces twelve & a half pennyweight of plate aforesaid.

To Volkert Hermans, his Execr's or assigns, the quantity of Eight Ounces fifteen pennyweigh't of plate aforesaid.

To Barent Waldron, his Exec'rs or assigns, the quantity of five Ounces Seven and a half pennyweight of plate aforesaid.

To Isaac D'Lamatre, his Exec'rs or assigns, the Quantity of five Ounces Seven and a half pennyweight of plate aforesaid.

To Jacob Verdon, his Exec'r's or assigns, the quantity of thirteen Ounces two and A half pennyweight of plate aforesaid.

To Suannah Wood, And her Sister Anna Churchill, Co-heirs of Lieut William Churchill, Dec'd, their or either of their Executors or assigns, the quantity of twelve Ounces ten pennyweight of plate aforesaid, to be Equally divided as aforesaid.

To Barent Hesbon, his Executors or assigns, the Quantity of Six Ounces ten pennyweight of plate aforesaid

To John Kierson, his Executors or assigns, the quantity of ten Ounces seventeen and a half pennyweight of plate aforesaid.

To Marte Willse, his Exec'rs or assigns, the quantity of ten Ounces fifteen pennyweight of plate aforesaid.

To Benjamin Vandewater, his Exec'rs or assigns, the Quantity of Six Ounces ten pennyweight of plate aforesaid.

To Cornelius Cornel, his Exec'rs or assigns, the quantity of Seven Ounces twelve pennyweight and a half of plate aforesaid.

IT is also Enacted by the Authority Aforesaid, That the Treasurer of this Colony, for the time being, shall pay in Bills of Credit made Current by this Act, unto the following persons, Their Executors, Administrators or Assigns, the Several and respective quantity of Plate following, it being for Goods, merchandizes & Stores of War taken for the Publique use & defence of this Colony, vizt.

To Henry Coerten, his Executors or Assigns, the quantity of twenty four ounces ten pennyweight of Plate aforesaid, for wheat, &c.

To Oliver Baily, his Executors or Assigns, the Quantity of forty seven ounces ten pennyweigh't of Plate aforesaid, for Powder, &c.

To Helena D'Key, her Executors or Assigns, the quantity of thirty seven ounces two and a half pennyweight of Plate afores'd.

To Rachel Teller, her Executors or Assigns, the quantity of sixty ounces of Plate afores'd.

To Ebenezer Wilson, his Executors or Assigns, the Quantity of fifteen ounces five pennyweight of Plate aforesaid.

To Gerrit van derPool, his Executors or Assigns, the quantity of fifteen ounces of Plate aforesaid.

To Capt Thomas Willet, his Executors & Assigns, the quantity of Eleven ounces two and a half pennyw't of Plate afores'd.

To the Widow of Abraham Brasier, dec'd, her Exec'r's or Assigns, the Quantity of one hundred twenty two Ounces of Plate afores'd.

To William Doughty, his Exec'r's or Assigns, the quantity of ninety ounces of Plate afores'd.

To William Lawrence, his Exec'rs or Assigns, the quantity of thirty Six ounces five pennyweight of Plate afores'd.

To Jonathan Whitehead, his Executors and Assigns, the quantity of fifty Eight ounces fifteen pennyweight of Plate afores'd.

To Altie ffoster, her Exec'rs & Assigns, the quantity of fforty five ounces of Plate afores'd.

To John Stevenson, his Exec'rs and Assigns, the quantity of twelve Ounces ten pennyw't of Plate afores'd.

To Joris Hanse, his Execr's or Assigns, the quantity of Seven Ounces fifteen pennyweight of Plate afores'd.

To Elizabeth Lawrence, Widow, her Exec'rs or Assigns, the quantity of fifteen Ounces of Plate afores'd.

To Juriaen Nagel, his Exec'rs or assigns, the quantity of twenty five ounces seventeen and a half pennyweight of Plate afores'd.

To Luvkas Stevenson, his Exec'rs or Assigns, the quantity of five Ounces five pennyw't of Plate afores'd

To Peter Jacobse, his Exec'rs or Assigns, for himself & for the use of the Children of John Hanse, dec'd, their & either of their Exec'rs or Assigns, the quantity of thirty Seven ounces twelve & a half penny weight of Plate afores'd, to be Equally divided amongst them.

IT is also Enacted by the Authority afores'd, That the Treasurer of this Colony, for the time being, shall pay in Bills of Credit made Current by this Act, unto the following Persons, their Exec'rs, Adm'rs or Assigns, the Several & respective quantities of Plate following, it being for Money advanc'd, & Sundry disbursem'ts, Provisions, Amunition & materials, &c. deliver'd for the use of his Maj'es fforts of N: York & Albany, in the years Sixteen hundred eighty nine & ninety, & divers Services perform'd during the time of the late happy Revolution.

To John Peterse Boss, his Exec'rs or Assigns, the quantity of five ounces seven & a half pennyw't of Plate afores'd.

To Albertus Ringo, his Exec'rs or Assigns, the quantity of twelve ounces ten pennyw't of Plate afores'd.

To David Provoost, Sen'r, his Exec'rs or Assigns, the quantity of Eleven Ounces of Plate afores'd.

To Anna Jackson, Widow of William Jackson, dec'd, her Execr's or Assigns, the quantity of Seventy eight Ounces five penny weight of plate aforesaid.

To Nicholas Andrise, his Exec'rs or Assigns, the quantity of Nineteen Ounces twelve & a half Pennyweight of plate aforesaid.

To Abeltie Lespienard, his Exec'rs or Assigns, the quantity of thirty Nine Ounces Seven and a half penny weight of plate aforesaid.

To Anna Tell, Sometime Widow of Joost Tell, Dece'd, her Exec'rs or assigns, the quantity of One hundred Ounces of plate aforesaid.

To Phillip Wendell, his Exec'rs or assigns, the quantity of thirty Ounces ten pennyweight of Plate afores'd.

To John Enwoutse, his Exec'rs or Assigns, the Quantity of Sixteen ounces Seven and a half pennyweight of plate aforesaid.

To the Widow of Abraham Brasier, Dec'd, her Exec'rs or assigns, the quantity of Eighteen Ounces Seven and a half pennyweight of plate aforesaid.

To Aeltie Moene, Widow, her Exec'rs or assigns, the quantity of fforty nine Ounces ten pennyweight of plate aforesaid.

To Abraham and Johannes Van Deusen, their Exec'rs or Assigns the Quantity of thirty two Ounces fifteen pennyweight of plate aforesaid.

To Abraham Wendell, his Exec'rs or Assigns, the Quantity of fforty five Ounces Seventeen & A half pennyweight of plate aforesaid.

To Andries Coemans, his Exec'rs or Assigns, the Quantity of Six Ounces ten pennyweight of plate aforesaid.

To Andries Meyer, his Executors or assigns, the Quantity of thirty five Ounces fifteen pennyweight of plate aforesaid.

To Edward Blagge, his Executors or Assigns, the Quantity of two Hundred Seventy three ounces Seven and A half pennyweight of plate aforesaid.

To Mary Duyking, Widow, her Exec'rs or Assigns, the Quantity of thirty Seven Ounces ten pennyweight of plate Aforesaid.

To Samuel Beeckman, his Exec'rs or Assigns, the Quantity of four Ounces seven and a half pennyweight of plate Aforesaid.

To Abeltie Lespinard, her Exec'rs or Assigns, the Quantity of ten Ounces of Plate aforesaid.

To Richard Edsall, his Exec'rs or Assigns, the Quantity of twenty Ounces of plate aforesaid.

To George Elseworth, his Exec'r's or Assigns, the Quantity of forty five Ounces Seventeen and a half pennyweight of plate Aforesaid.

To the Executors or Administrators of Jan Nack, Deceased, or to their Assignes, the Quantity of fifty eight Ounces fifteen pennyweight of plate aforesaid.

To Jean Rosie, his Exec'rs or Assigns, the Quantity of twenty Six Ounces five pennyweight of plate Aforesaid.

To peter Mayer his Exec'rs or Assigns, the Quantity of Six Ounces Seven and a half pennyweight of plate Aforesaid.

To Claes Luykasse, his Exec'rs or Assigns, for himself and for the use of the rest of the Children of Luycass Gerritse, Dec'd, their Exec'rs or Assigns, the Quantity of fforty Nine Ounces two and a half pennyweight of plate Aforesaid, to be Equally Divided Amongst them.

To Albert Ryckman, his Exec'rs or Assigns, the Quantity of four Ounces five pennyweight of plate aforesaid.

To John Vroman, his Exec'rs or Assigns, the Quantity of Eleven Ounces Seventeen and A half pennyweight of plate Aforesaid.

To ffrans Pruyn, his Exec'rs or Assigns, the Quantity of twenty four Ounces fifteen pennyweight of plate aforesaid.

To Hendrick Hanse, his Exec'rs or Assigns, for himself and for the use of ye rest of ye Children of Hanse Hendrickse, Dec'd, their Exec'rs or Assigns, the Quantity of Seventy three Ounces of plate aforesaid.

To Takel Dirkse, his Executors or Assigns, the Quantity of thirty Eight Ounces twelve and a half pennyweight of Plate aforesaid.

To Jan Casperse Halenbeeck And Catrin, ye Widow of peter Lassing, their or either of their Exec'rs or Assigns, the Quantity of fifty Ounces of Plate Aforesaid, to be Equally divided amongst them

To Stephen Bockenhove, his Exec'rs or assigns, the Quantity of thirty Seven Ounces ten penny weight of plate aforesaid.

To John ffoster, his Exec'rs or Assigns, for himself and for ye use of the daughters of Jacobus Cornelise, Dec'd, their Exec'rs, or assigns, the Quantity of Sixty Nine Ounces Fifteen pennyweight of plate Aforesaid.

To Jacob Mauritse, his Exec'rs or Assigns, the Quantity of two hundred forty five Ounces twelve And a half pennyweight of plate Aforesaid.

To Anna Cross her Executors or Assigns, the Quantity of forty three Ounces five pennyweight of plate aforesaid.

To Elias peltreau, his Exec'rs or assigns, the quantity of fifty Six Ounces Seven and A half penny weight of plate aforesaid.

To Nicolas Wyngart, his Exec'r's or assigns, the Quantity of Seven Ounces ten pennyweight of plate Aforesaid.

To ffrans Wynne, his Exec'r's or Assigns, for himself and for ye use of the rest of the Children of his ffather Peter Wynne, Dec'd, their Exec'rs or Assigns, the Quantity of thirty Nine Ounces ten pennyweight of plate aforesaid, to be equally Divided Amongst them.

To Johannes Van Ale, his Exec'rs or Assigns, the Quantity of five Ounces and five pennyweight of plate aforesaid.

To Cornelius Langevelt, his Executors or Assigns, the Quantity of thirty Eight Ounces five penny weight of plate aforesaid.

To Daniel Toy, his Exec'rs or assigns, the quantity of Thirty three Ounces twelve and a half pennyweight of plate aforesaid for sundrys, &c.

To Neltie Lydecker, her Execrs or Assigns, the quantity of four Ounces ten penny weight of plate aforesaid.

To Adrian Gerritse, his Executors or assigns for ye use of himself and ye rest of the Children of Gerrit Cornelise, Dec'd, their Executors or assigns, the quantity of twenty four Ounces and five pennyweight of plate aforesaid.

To Jellis Funda, his Executors or assigns, the Quantity of Nine Ounces & ten pennyweight of plate aforesaid.

To Sarah Greveraet, widow, her Executors or assigns, the Quantity of forty Seaven Ounces twelve pennyweight and a half of plate aforesaid.

To Thomas Swartwout, Bernardus Swartwout and Jacob Kip, their or either of their Executors or Assigns, for themselves and the rest of the Children of Roeloff Swartwout, Dec'd, and their Exec'rs and Assigns, the quantity of Sixty four Ounces ten pennyweight of plate aforesaid, to be Equally Divided Among them.

To Catherina Van Rollegum, her Executors or assigns, the Quantity of Nineteen Ounces and five pennyweight of plate aforesaid.

To Belitie Ten Eyck, her Exec'rs or assigns, the quantity of twenty four ounces five pennyweight of plate aforesaid.

To Daniel Toy, his Executors or assigns, the quantity of Eight ounces five pennyweight of plate aforesaid.

To Abraham Governeur, his Executors or assigns, the Quantity of Eighty one Ounces fifteen pennyweight of plate aforesaid, in full Discharge of two Accounts brought in by him, the One Amounting to one hundred pounds for Service done by said Governeur in his Majesties ffort, As Clerk, Anno One Thousand Six hundred and Eighty Nine And One thousand Six hundred and Ninety, in the time of ye late happy Revolution, the Other Account Amounting to One hundred & Sixty pound And Six Shillings, for Service Done by his predecessor Jacob Milburn, Dec'd, as a Commissioner for ye Expedition Against Canada, And as Major of the fforces in Said Years.

To Gerrit Viele And the rest of the Children of hendrick Van Veurden, Dece'd their respective Executors or assigns, each their equal proportion, being one third part of the Quantity of plate hereunder Expressed, that is to Say, To Gerrit Viele one third part, To Elizabeth Viele, Widow of Dr. Arnout Viele, one third part, And to the Children of Cornelis Jacobse, Dece'd, one third part of three hundred and thirteen Ounces and five pennyweight of plate aforesaid.

IT is also Enacted by the Authority Aforesaid, that the Treasurer of this Colony, for the time being, Shall pay in Bills of Credit made Current by this Act, Unto the following persons, their Executors, Administrators or Assigns, the Several and respective quantitys of plate following, it being for the pay of Some Officers and Soldiers which Served and were Employed in the Expedition against Canada, in the Year One Thousand Seven hundred and Nine, and for Divers horses lost, And Waggons broke in the Said Expedition, vizt.

To Johannes Whitebeeck, his Exec'rs or Assigns, the Quantity of twelve Ounces ten pennyweight of plate aforesaid.

To Mathys Goes, his Executors or assigns, the quantity of twelve Ounces ten pennyweight of plate aforesaid.

To Volkert Whitbeeck, his Executors or Assigns, the quantity of twelve ounces and ten pennyweight of plate aforesaid.

To Jacob Meyer, his Executors or assigns, the quantity of Eight Ounces and ten pennyweight of plate aforesaid.

To Herman Shunemans, his Exec'rs or Assigns, the quantity of thirty five Ounces of plate Aforesaid.

To Capt phillip Schuyler, his Executors or Assigns, the quantity of fourteen Ounces two And a half pennyweight of plate aforesaid.

To Johannes Willemse, his Executors or assigns, the quantity of five ounces twelve and a half pennyweight of plate aforesaid.

To Peter Willemse, his Executors or assigns, the quantity of Seven Ounces ten pennyweight of plate aforesaid.

To Mary Bodyn, Widow, her Executors or Assigns, the quantity of seven Ounces of plate afores'd.

To Volkert Symonse, his Executors or assigns, the quantity of two Ounces five pennyweight of plate aforesaid.

To Andries Nack, his Executors or Assigns, the quantity of thirty one Ounces ten penny Weight of plate aforesaid.

To Johannes Mayson, his Executors or assigns, the quantity of one Ounce and five pennyweight of plate aforesaid.

To phillip Schuyler, Son of Arent Schuyler, Lieut his Exec'rs or assigns, the quantity of thirty Seven Ounces and A half of plate aforesaid.

To David Schuyler, Lieut his Executors or assigns, the quantity of forty four Ounces of plate aforesaid.

To Daniel Ketelyn, Leiut his Exec'rs or Assigns, the quantity of forty four ounces of plate afores'd.

To John Dunbar, Leiut. his Executors or Assigns, the quantity of forty four ounces of plate afores'd.

To John Holeron, his Executors or assigns, the quantity of Seven ounces ten pennyweight of plate aforesaid.

To John Higbon, Junior, his Executors or Assigns, the quantity of Seven ounces ten pennyweight of plate aforesaid.

To Jacobus Moll, his Exec'rs or assigns, the quantity of five Ounces twelve and a half pennyweight of plate aforesaid.

To Evert Wyncoop, his Executors or Assigns, the Quantity of thirteen Ounces two and a half pennyweight of plate aforesaid.

To Johannes TenBroek, his Exec'rs or assigns, the Quantity of twelve Ounces ten pennyweight of plate aforesaid.

To Johannes Marston, his Exec'rs or assigns, the quantity of twelve ounces of plate aforesaid.

To Peter D'Milt, his Executors or assigns, the Quantity of twenty Six Ounces five pennyweight of plate aforesaid.

To Matheys Ten Eyck, his Executors or assigns, the Quantity of Six Ounces of plate aforesaid.

To Jan Goes, his Executors or Assigns, the Quantity of twelve Ounces ten pennyweight of plate aforesaid.

To Jan Tyse Goes, his Executors or assigns, the quantity of twelve Ounces and ten pennyweight of plate aforesaid.

To Robert Livingston, now Mayor of Albany, his Executors or Assigns, the quantity of Nineteen Ounces two and a half pennyweight of plate aforesaid.

To the Executors of Major Dirick Wessells, the quantity of three Ounces two and a half pennyweight of plate afore-said.

To Hendrick Janse, his Exec'rs or Assigns, the quantity of fourteen ounces fifteen pennyweight of plate aforesaid.

To Anna Garton, her Executors or Assigns, the quantity of Seven ounces ten pennyweight of plate aforesaid.

To Charles Broadhead, his Executors or assigns, the quantity of twelve Ounces ten pennyweight of plate aforesaid.

AND be it Enacted by the Authority aforesaid, That the Treasurer of this Colony, for the time being, shall pay in Bills of Credit made Current by this Act, unto ye following persons, their Executors, Administrators or assigns, the Several and respective quantities of plate following, it being for fire-wood Delivered to the fforts of Newyork and Albany in the time of the late happy Revolution (towit),

To John D'Groot, his Executor or assigns, the quantity of four Ounces Seventeen and a half pennyweight of Silver plate aforesaid.

To William Hogen, his Executors or Assigns, the quantity of Seven Ounces Seventeen And a half pennyweight of plate aforesaid.

To John Canon, his Exec'rs or assigns the quantity of forty Ounces fifteen pennyweight of Plate aforesaid.

To Nicolas Rust, his Executors or assigns, the quantity of fifty Ounces of Plate aforesaid

To Teunis Ydeson, his Executors or assigns, ye Quantity of thirteen Ounces two and a half pennyweight of plate aforesaid.

AND be it Enacted by the Authority aforesaid, That the Treasurer of this Colony for THE time being, Shall pay in Bills of Credit made Current by this Act, Unto the following Persons, their Executors, Administrators or Assigns, the Several and respective quantities of Plate following, It being for their Service performed in an Expedition to Panapskutt, under the Command of Capt. John Cornelise, Anno One Thousand Six hundred and Ninety One, for the Service of this Government,

To Daniel Remsen, his Executors or Assigns, the Quantity of Six Ounces and ten pennyweight of Plate aforesaid.

To George Ryerse, his Executors or assigns, the Quantity of four Ounces and Seventeen and A half pennyweight of plate aforesaid.

To Gerrit Onkelbagh, his Executors or assigns, the quantity of four Ounces Seventeen and A half pennyweight of plate aforesaid.

To Jan Van Der Veer, his Executors or Assigns, the Quantity of fifteen Ounces of plate aforesaid.

AND WHEREAS in the Year of our Lord One Thousand Seaven Hundred and Twelve There was a Horrid and Bloody Conspiracy and Massacree Devised and Contrived by Great Numbers of The Negroe Slaves in the City of New York, against his Majesties Subjects of the said City In Consequence and prosecution of which several of his Majesties aforesaid Subjects were Cruelly and Barbarously Murdered by Several of the Said Negroes, Nineteen whereof were Tryed, Condemned and Executed for that Bloody and horrid fact, by Virtue of an Act of General Assembly of this province, Intituled, an Act for preventing the Conspiracy of Slaves, passed in the Seventh year of the Reign of her Late Majesty Queen Anne, the Owners of which Said Nineteene Negroes have not Received the Satisfaction Intended by the Said Act, to be Given them, for Want of Some formalities which were Omitted by Reason of the General Disorder and Confusion which the Common Danger at that time occasioned.

BE IT therefore Enacted by the Authority aforesaid, That the Treasurer of this Colony, for the time being, Shall pay in Bills of Credit aforeSaid, to the Several persons hereafter Named, their Executors, Administrators or Assigns, the Several and Respective Quantities of plate following, That is to Say,

To Rip Van Dam, Esq'r his Executors or Assigns, the Quantity of One hundred Ounces of Plate for Two Negroes, So as aforesaid Executed.

To John Barbarie, Esq'r his Executors or Assigns, the Quantity of ffifty Ounces of Plate, for One Negro So as aforesaid Executed.

To Walter Thong, his Exec'r's or Assigns, the Quantity of ffifty Ounces of Plate, for One Negroe So as aforesaid Executed.

To Allanc Jarroet, his Executors or assigns, the Quantity of ffifty Ounces of Plate, for One Negroe So as aforesaid Executed.

To the Executors or Administrators of Adrian Hoogland, Deceased, the Quantity of ffifty Ounces of Plate, for One Negroe So as aforeSaid Executed.

To Peter ffauconier, his Executors or Assigns, the Quantity of ffifty Ounces of plate, for One Negroe So as aforeSaid Executed.

To Nicolas Rosevelt, his Executors or assigns, the Quantity of fifty Ounces of plate, for One Negroe so as aforesaid

To Abraham Provoost, his Executors or Assigns, the Quantity of ffifty Ounces of plate, for One Negroe So as aforesaid Executed.

To Isaac Governeur, his Executors or Assigns, the Quantity of ffifty Ounces of plate, for One Negroe So as aforeSaid Executed.

To Peter Moryne, his Executors or Assigns, the Quantity of ffifty Ounces, of plate, for One Negroe So as aforeSaid Executed.

To John De. Honeur, his Executors or Assigns, the Quantity of ffifty Ounces of plate for One Negroe, so as aforeSaid Executed.

To Ruth Shepherd, her Executors or Assigns, the Quantity of ffifty ounces of plate for One Negroe So as aforeSaid.

To Cornelia Norwood, her Executors or assigns, the Quantity of ffifty Ounces of plate, for One Negroe so as aforeSaid Executed.

To John Cure, his Executors or Assigns, the Quantity of ffifty Ounces of plate, for One Negroe So as aforeSaid Executed.

To Richard Ray, his Executors or assigns, the Quantity of ffifty Ounces of plate, for One Negroe, So as aforeSaid Executed.

To David Lyell, his Executors or assigns, the Quantity of ffifty Ounces of plate, for One Negroe, So as aforeSaid, Executed.

To Andrew Stuckey, his Executors or assigns, the Quantity of ffifty Ounces of plate, for One Negroe So as aforesaid Executed.

AND To Guysbert Van InBurg, his Executors or Assigns, the quantity of ffifty Ounces of plate, for One Negroe So as aforeSaid Executed.

AND BE IT further Enacted by the Authority aforeSaid, That the Treasurer of this Colony, for the time being, Shall pay in Bills of Credit aforesaid, unto James Dixon, Esq'r Collector and Receiver General of this province of New York, the Quantity of Two Hundred and ffifty Ounces of plate, to be by him Applyed for the Repairing his Majesties Custome house in the City of New-York, for which he Shall Account to the Governour, Council and General Assembly, or either of them.

AND WHEREAS the place which has been for many Years Last past Assigned and made Use of for the Secretaries Office of this Colony, In Which the Publick Records Originall Wills, and other papers and Writeing of Great Concern and Consequence both to his Majesty and his Subjects of this Colony, is So Small and otherwise So Inconvenient, that his Excellencey the Governour has been pleased to Appropriate the Building over the ffort Gate for that Service, Where in the Records and other papers Mentioned will be better preserved, and the Office more Conveniently kept, To the end therefore that the Said Buildings may be fitted up and made Commodious for the purpose afore Mentioned,

BE IT ENACTED by the Authority aforesaid, That the Treasurer of this Colony for the time being, Shall pay in Bills of Credit afore-

said, unto George Clarke, Esq'r Secretary of this province, or his Assigns, the Quantity of Three hundred Ounces of plate aforesaid, to be by him Applyed in Materials and WorkmanShip for the fitting up the Said Building for the Use aforeSaid, for which he Shall Account to the Governour, Council and General Assembly, or either of them.

AND BE IT further Enacted by the Authority aforesaid, That the Treasurer of this Colony for the time being, Shall pay in Bills of Credit aforeSaid, unto the following persons, their Executors, Administrators or Assigns, the Several and respective Quantities of plate following, That is to Say,

To Rip Van Dam, Esq'r his Executors, Administrators or Assigns, the Quantity of Two Hundred Twenty ffour Ounces and ffive penny Weight of plate aforeSaid, for Sundry Services performed by him for this Government.

To George Clarke, Esq'r his Executors, Administrators or Assigns, the Quantity of Three Hundred Sixty Two Ounces and Ten penney Weight of plate aforeSaid, being for Sundry Services performed by him for this Government, and in full Discharge of a Warrant Drawn by the Lord Cornbury, Dated the Thirtieth of September, One Thousand Seaven hundred and Eight, for the Sum of Seven pounds Ten Shillings.

To Robert Walter, Esq'r his Executors, Administrators or Assigns, the quantity of One hundred Thirteen Ounces and Seventeen penny-Weight and an halfe of Plate aforesaid, being for Sundry Services performed by him for the Government, And in full Discharge of a Warrant Drawn by the Lord Cornbury, Dated the Third Day of August One Thousand Seaven Hundred And Three, for the Sum of Nine pounds ffourteen Shillings

To Adolph Phillipse, Esq'r his Executors, Administrators or assigns, the Quantity of Eight hundred and Sixty Ounces and Ten penny Weight of plate aforesaid, being for Sundry Services performed by his late father ffrederick Phillipse, Deceased, for this Government.

To John Johnson, Esq'r his Executors, Administrators or Assigns, the Quantity of Sixty two Ounces and five pennyweight of plate aforesaid, for Sundry Services performed by him on the Expedition against Canada.

To George Clarke, Esq'r his Executors, Administrators or Assigns, the Quantity of Seventy ffive Ounces of plate aforesaid, for Ingrose-

ing this Act on Parchment, and a Duplicate thereof to be Transmitted to Great Britain,

To John Barberie, Esq'r his Executors, Administrators or Assigns, the Quantity of Eighty Six Ounces Ten penny Weight of plate aforeSaid, for Sundry Services perform'd by him for this Government.

To Coll Abraham DePeyster, his Executors, Administrators or Assigns, the Quantity of ffour Hundred ffifty Two Ounces and an halfe of Plate aforeSaid, in full Discharge of Six Warrants Drawn by John Nanfan, Esq'r formerly Lieutenant Governour of this province, Dated the Tenth Day of November, One thousand Seven Hundred and One, payable to the Right honble the Countess of Bellomont, and by her Indorsed to the Said Coll D'Peyster, Amounting in the Whole to Two hundred Seventy Two pounds Thirteen Shillings and Nine pence Sterling, at the rate of One Hundred Thirty Three pounds New York Money for One hundred pounds Sterling.

To Adolph Phillipse, Esq'r his Executors, Administrators or Assigns, the Quantity of Twenty ffive Ounces of Plate aforesaid, for the Hire of the Brigantine ffrederick on a Cruiss to Sandy Hook in the Yeare One Thousand Seven Hundred and ffour.

To George Clarke, Esq'r his Executors, Administrators or Assigns, the Quantity of one Hundred Ounces of plate aforeSaid.

AND be it Enacted by the Authority aforeSaid, That the Treasurer of this Colony, for the time being, Shall pay in Bills of Credit aforesaid, to the Several persons Incerted in A List, Signed by the Speaker of the Assembly, and Lodged with the Treasurer aforeSaid, Nine Hundred and Seventeen Ounces twelve penny Weight and a half of plate aforeSaid, to be paid in such proportion as is Ascertained in the Said List, To Each of the persons therein Named, their Executors, Adminstrators or assigns, or nearest Relation, as is mentioned in this Act, being for Services performed by them for the Government, And who were Directed to be paid by the Act passed in the Thirteenth Year of Queen Anne aforeSaid, But Did not Come within the time Limited, by the Said Act, for the Receiveing of the Same, which was Occasioned by the Remotness of Some of the Said persons. habitations from the Treasury of this Colony, As also because Several of them Dying Intestate, And no persons taking out Letters of Administration on their Goods and Chattles, the Sums they were to Receive being not Sufficient to Defray the Charges of Such Administration, The Said Money Remained in the Treasurers hands, and was otherways Disposed off.

AND be it further Enacted by the Authority Aforesaid, That the Quantity of Four hundred thirty two Ounces and ten pennyweight of plate aforesaid, in Bills of Credit, be Paid by the Treasurer of this Colony To Wm Bradford, his Executors or assigns, for printing the said Bills of Credit aforesaid, made Current by this Act, and for to Defray the Charges of Cutting & Ingraving the Stamp, And for Books and paper, &c. Delivered for the use of the publick.

AND WHEREAS Several of the persons appointed to be paid by this Act Are to receive but Small Quantities of plate aforesaid, and it may So happen that Several of the said persons may Depart this life before they have received of the Treasurer of this Colony ye Quantitys of plate due to them, And by this Act Directed to be paid, And may not have made a Last Will or Testament, by which means the Said plate may be in the Treasurers hands,

BE IT THEREFORE ENACTED by the GOVERNOUR, Council & General Assembly, And it is hereby Enacted by the Authority of the Same, That if any of the persons who by this Act are Directed to receive the Quantity of twenty five Ounces of plate, or any Smaller Quantity of plate than twenty five Ounces, shall Depart this life before they have received of the Treasurer aforesaid, the said Twenty five Ounces or Smaller quantity of plate, and shall not have made his or her Last Will or Testament, That in Such Case the Said twenty five Ounces or lesser Quantity of plate aforesaid, Directed by this Act to be paid, Shall by the Treasurer aforesaid be paid unto ye Widow of Such Deceased person, And in Case the person So Dying had no Wife, That then Such plate shall, by the Treasurer aforesaid, be paid to such person or persons as by two Justices of ye peace of the Neighbourhood of Such person or persons, Shall be Certified to the Treasurer to be nearest related to the person Deceased who had Such twenty five Ounces, or Smaller Quantity of plate, due to him or her, Any thing in this Act, or any other Act to the Contrary in any wise Notwithstanding.

AND WHEREAS after the Several Quantities of Plate aforesaid Shall be by the Treasurer aforesaid, paid According to the Direction of this Act, there will remain in his hands the Quantity of Three Thousand Seven hundred and Fifty ounces of Plate, being Deposited there for payment of Ambrose Phillipse, Esq'r the Agent of this Colony, or the Agent of this Colony for the time

being, And for Running the Partition lines between this Colony & the Colonys of Connetticutt & New Jersey, And for answering any Exigent of this Colony.

BE IT THEREFORE Enacted by the Authority afores'd That the Treasurer of this Colony Shall as soon as conveniently may be, Remitt to Ambrose Phillipse, Esq'r afores'd, the Quantity of ffive hundred Ounces of Plate, part of the Plate afores'd.

And be it Enacted by the Authority afores'd; That Abraham D'Peyster, Esq'r the now Treasurer of this Colony, or the Treasurer of this Colony for the time being, Shall & may with part of the Plate afores'd, left in his hand pay unto himself the quantity of two ounces & a half of Plate afores'd, for every hundred ounces of s'd Plate by the said Treasurer, for the time being, paid according to the Direc'cons of this Act, which s'd quantity of two & a half ounces of Plate afores'd, is hereby given unto the s'd Treasurer as a Reward & Salary for Collecting, paying, Sinking & destroying the s'd Bills, & for doing & performing Every thing by this Act required of him to be done, AND Be it further Enacted by the Authority aforesaid, That the Quantity of Seven hundred and fifty Ounces, part of the aforesaid Plate left in the Treasurers hands, shall be Applyed to defray that part of the Charge of Running, Surveying and Ascertaining the Partition Line Limitt and Boundary betweene this Colony and the Colony of New Jersey, which may be requisite for this Colony to pay, to be Issued by Warrant under the hand and Seal of the Governour of this Province, for the time being, by and with the Advice and Consent of his Majesties Council in such parts & proportions as shall be requisite for that Service, when the Survey Ascertaineing and Running of the said Line Limitt and Boundary, shall be began and Carryed on by the mutuall Consent and Agreement of his Excellency & Councill of this Province, and the Proprietors of the Soil of the said Province of New Jersey, And the Sum of Seven hundred and fffty Ounces, part of the aforesaid plate left in the Treasurers hands, to be Issued as aforesaid to Defray that part of the Charge of Running the Partition Line Limitt and Boundary Between this Colony and the Colony of Connecticut, which will be Requisite for this Colony to pay, when the Survey Ascertaineing and Running of the said Line Limitt and Boundary, shall be begun and Carryed on by the mutual Consent and Agreement of his said Excellency and Councill, and the Governour and Council of the said Province of Connecticut, Which Lines being Run

Ascertained and Agreed on by the Surveyors and Commissioners of each Colony, as aforesaid, shall for ever thereafter be Deemed, taken be and remain as the partition Line Limitt and Boundary of this Colony, And all bodys Corporate and Politick, and all other persons whatsoever within this Province, shall be for ever Concluded thereby.

AND Be it further Enacted by the Authority aforesaid, that the residue of the said Plate not particularly Disposed of by this Act, shall remain in the hands of the said Treasurer to Answer any Sudden Exigencey of this Colony, to be Issued in such manner and in such quantities as shall be Directed in and by an Act or Acts of General Assembly of this Province for that purpose to be made, and not otherwise.

And be it Enacted by the Authority afores'd, That the Treasurer of this Colony, for the time being, shall pay in the Bills of Credit made current by this Act, unto each of the Persons hereafter named, the Several quantities of Plate hereafter Expressed, vizt.

To William Nicoll, Esq'r his Exec'rs or Assigns, the quantity of three hundred Seventy five ounces of Plate afores'd, for his service in Gen'll Assembly of this Colony.

To Andries Coyeman, Esq'r his Exec'rs or Assigns, for his Service as afores'd, the quantity of one hundred eighty three ounces fifteen pennyw't of Plate afores'd.

To Carel Hansen, Esq'r his Exec'rs or assigns, for his Service as afores'd, the quantity of one hundred eighty three ounces & fifteen pennyw't of Plate aforesd.

To Johannes Cuyler, his Exec'rs or assigns, for his Service as afores'd, the quantity of one hundred eighty three ounces fifteen pennyw't of Plate afores'd.

To Robert Livingston, Esq'r his Exec'rs or assigns, for his Service as afores'd, the Quantity of two hundred & two ounces & ten pennyw't of Plate afores'd.

To Abraham Gasbeeck, Esq'r his Exec'rs or Assigns, for his Service as afores'd, the quantity of one hundred & thirty Six ounces & five pennyw't of Plate afores'd.

To Jacob Rutsen, Esq'r his Exec'rs or assigns, for his Service as afores'd, the quantity of one hundred & Eighty three ounces & fifteen pennyw't of Plate aforesaid.

To Leonard Lewis, Esq'r his Exec'rs or assigns, for his Service as afores'd, the quantity of one hundred and Eighty three ounces & Fifteen pennyw't of Plate afores'd.

To Johannes Terbosh, Esq'r his Exec'rs or assigns, for his Service as afores'd, the quantity of one hundred & forty Six ounces And five pennyw't of Plate afores'd.

To Cornelius Cuyper, Esq'r his Exec'rs or Assigns, for his Service as afores'd, the quantity of two hundred & seventy five ounces of Plate afores'd.

To Peter Herring, Esq'r his Execr's or Assigns, for his Service as afores'd, the quantity of two hundred & Seventy five ounces of Plate afores'd.

To Abraham Lakerman, his Exec'rs or Assigns, for his Service as afores'd, the quantity of two hundred Seventy five ounces of Plate afores'd.

To John Stillwell, Esq'r his Exec'rs or Assigns, for his Service as afores'd, the Quantity of two hundred & Seventy five ounces of Plate afores'd.

To Lewis Morris, Esq'r his Exec'rs or assigns, for his Service as afores'd, the quantity of two hundred & Seventy five ounces of Plate afores'd.

To Joseph Bud, Esq'r his Exec'rs or assigns, for his Service as afores'd, the quantity of two hundred & Seventy five Ounces of Plate afores'd.

To William Willet, Esq'r his Exec'rs or assigns, for his Service as afores'd, the Quantity of two hundred & Seventy five ounces of Plate afores'd.

To Thomas Willet, Esq'r his Exec'rs or assigns, for his Service as afores'd, the Quantity of two hundred and Seventy five ounces afores'd.

To Isaack Hicks, Esq'r his Exec'rs or Assigns, for his Service as afores'd, the quantity of two hundred & Seventy five ounces of Plate afores'd.

To Sam'll Gerritse, Esq'r his Exec'rs or Assigns, for his Service as afores'd, the quantity of two hundred Seventy five ounces of Plate afores'd.

To Cornelis Sebring, Esq'r his Exec'rs or Assigns, for his Service as afores'd, the quantity of two hundred and Seventy five ounces of Plate afores'd.

To Gerrit Van Hoorn, Esq'r his Exec'rs or Assigns, for his Service as afores'd, the Quantity of two hundred & fifty Ounces of Plate afores'd.

To Jacob Kip, Esq'r his Exec'rs or assigns, for his Service as afores'd, the Quantity of two hundred & fifty Ounces of Plate afores'd.

To Johannes Jansen, Esq'r, his Exec'rs or assigns, for his Service as afores'd, the Quantity of two hundred and fifty Ounces of Plate afores'd.

To David Provoost, Esq'r his Exec'rs or Assigns, for his Service as afores'd, the Quantity of two hundred & fifty ounces of Plate afores'd.

To Hendrick Hansen, Esq'r his Exec'rs or Assigns, for his Service as afores'd, the Quantity of one hundred & Eighty three ounces & fifteen pennyw't of Plate afores'd.

[CHAPTER 348.]

[Chapter 348, of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Bradford, 1732 ed., p. 173. Printed in full in Baskett, p. 280. Expired, December 23, 1720.]

An Act to Prohibit the Exportation of Raw Hides from this Colony.

[Passed, December 23, 1717.]

WHEREAS the Exportation of Raw Hides from this Colony to Holland, and to the Neighbouring Plantations, is, by Experience, found to be very hurtful to the Inhabitants of this Colony, for preventing of which for the future,

BE it Enacted by the Gouvernour, Council and General Assembly, and by the authority of the same, That no Ox, Bull, Cow or Steer Hide or Skin, Raw & untann'd, be Exported from this Colony in any Ship, Sloop, Boat, Scow, Canoe, Float, Raft, or any other Vessel whatsoever, or in any Cart, Waggon, Wain, Sled, or any other Carriage Whatsoever, or upon any Horse or other Beast, or by any Person, under the penalty of Forfeiting Twenty Shillings for every Hide so Exported, Contrary to the true Intent & meaning of this Act, to be recovered before any Justice of the Peace of this Colony, by any Person who will sue & Inform for the Same, the one half to the Use of his Ma'ty, his Heirs and Successors, the other half to the Persons Informing of the Same, in which Case the Oath of the Said Informer, or of any other Person, shall be Sufficient Evidence to Convict the Owner or Exporter of such Hide or Hides, and Accordingly Subject him or them to the Forfeiture of Twenty Shillings, above mentioned, for each Hide as aforesaid, so Exported, to be Levied upon his or their Goods & Chattles, by Warrant from any of the said Justices of the Peace before whom

any such Information is brought, directed to the High-Sheriff of the City and County, High-Sheriff of the County or Constable of the Town, Ward or precinct, in which the said Justice Doth Inhabit, who is hereby Authorized, Directed and required to put the same in Execution; and in Case the Said Goods and Chattles are Not in Six Dayes redeem'd, by paying the said Forfeiture, and the Additional Sum of two Shillings on each pound value forfeited, to be paid to the Officer Executing the Warr't aforesaid, that then the said Goods & Chattles be Expos'd to publick Sale to the Highest Bidder, & the Forfeiture and Charges paid, as aforesaid, & the Overplus, if any be, returned to the Owner or Exporter of the said Hide or Hides from whom the said Goods & Chattles were taken. Provided nevertheless, and 'tis hereby further Enacted, That this Act no'r any part thereof shall be Construed to Debar Merchant or other person from Exporting any such Raw hides, as aforesaid, from this Colony to the Kingdom of Great Brittain, nor to debar any Master of any Ship or Vessel from taking on Board and Exporting two Raw Hides for the necessary use of his said Vessel, any thing herein contained to the contrary in any wise Notwithstanding. This Act to be and remain in force for three Years, and no longer, and to Commence from the Publication thereof.

[CHAPTER 349.]

[Chapter 349, of Livingston & Smith and Van Schaack, where the title only is printed. This act is not in Bradford, 1732 ed. Title only is printed in Baskett, p. 280.]

An Act to Invest the Property of a Certaine Dwelling House & Ground thereunto belonging in the City of New York In Daniel & Christopher the Sons of Daniel Robert Dec'ed.

[Passed, December 23, 1717.]

WHEREAS Daniel Robert of the Said City Dec'ed by his last Will & Testament bearing Date the Sixth Day of December in the Seventh Year of the Reigne of her Late Majesty Queen Ann of Glorious Memory Did (Amongst other things) Give and bequeath unto his Said Son Daniel The Sume of Three hundred Pounds Current money of New York & did also Give & bequeath unto his Said Son Christopher Two hundred pounds of like Money, which Respective Sums he did thereby order his Executors to

pay to each of them when they should Respectively come to Age or be Married, & the Same in the Interim should be put on Interest, & the Income thereof Given to his Wife Susannah, during She should remaine his Widdow for the Maintaining his Said Sons, untill they should come of Age as aforesaid, Giving all the rest of his Estate to his Said Wife Susanna & Did thereby Nominate & appoint John Barberie Esqr. Benjamine Fanevill & his Said Wife Susanna or the Survivor or Survivors of them to be Executors of his Said last Will & Tutors to his Said Sons untill they should come of Age or be Married As by the Said Last Will & Testament Relation being thereunto had may more at Large appear & the Said Daniel Robert soone after Departed this Life, Leaving behinde him his Said Sons Daniel & Christopher Infants under Age after whose Death the Said Benjamin Fanevill & Susanna proved the Said Will & took upon them the Burthen & Execution thereof, the Said John Barberie Renouncing the Said Executorship & refusing to ACT therein The Said Susanna for the Interest of the Said Infants Daniel & Christopher purchased with Some of their Legacies aforeSaid a Certaine Dwelling House Messauge or Tenement and Lott of Ground thereunto belonging within the Said City of New York. Which fronts Northerly to Kings Street bounded Easterly to Peter Baunt and Southerly to Angenite Adolph with all the Appurtenances thereunto belonging and before the Deeds for the Said Dwelling House were Executed Married with One Thomas La Roche in whose name the Deeds for the Said Dwelling House were made who is Since Dead ND WHEREAS the Said Thomas La Roach in his life time after his Inter marriage w'th ye said Susannah for Secureing the portions of ye Said Children and for their Maintenance untill the Same should Become payable by a certaine Instrument in Writing under his Hand and Seale bearing Date the Twenty Eighth Day of August in the Yeare of our Lord one thousand Seaven hundred and fourteen Did Execute a Warrant of Attorney for Entring a judgment in the Supream Court of this Province at the City of New York as of the then next September Terme at the Suite of the aforesaid Benjamin ffanevill One of ye Executors as aforeSaid for the Sume of One Thousand Pounds Currant money of New York besides Cost of Suite which Judgment was Accordingly Confessed and Entred upon Record in the Said Court And by a Certaine Other Deed or Instrument in Writeing (beare-

ing the Same Date with the Said Warrant of Attorney) made and Executed between the Said Benjamen ffanevill and the Said Thomas La Roach and Susannah his Wife the Said Judgment is Declared to be for the Sole Use Benefit and Intrest of the aforesaid Children Daniel Robert and Christopher Robert and for Secureing their Portions as aforeSaid as by the Said Severall Instruments and Judgment relation being thereunto had may more fully and at Large Appeare.

AND WHEREAS the Said Thomas La Roach at the time of his Decease Did not leave any Visible Estate behind him other than the aforesaid Dwelling house and Ground thereunto belonging purchased in his Name for the use of the Said Children as abovesaid.

AND WHERAS the Said Susanna by her Petition to the General Assembly hath set forth, that Shee is advised the Said Dwelling House will Devolve on the Heirs of the Said La Roche & the said Infants will be intirely Distitute & Defeated of some part of their Legacies Therefore humbly prayed a Bill might pass to Enable the Said Daniel & Christopher Jointly or the Survivor of them to Enjoy or Dispose of the same when they Shall arrive at the Age of Twenty one Years.

BE IT therefore Enacted by the Governour Councill & General Assembly and by the Authority of the Same To the Intent the Said Legacies may be ascertain'd & the better Secured to the Legatees according to the True Intent and meaning of the Said Last Will it Shall & may be Lawfull for the Said Daniel & Christopher & their Heirs & Assignes Respectively To have hold Occupy posses & enjoy the Said Dwelling House & all & Singular the premises thereunto belonging as Tennants in Common & to Sell & Convey the Said Dwelling House with the Appurtenances to any Person or Persons whatsoever when they Shall Arrive at the Age of Twenty one Years And the Said Daniel & Christopher their Heirs and Assignes are hereby fully Authorized & Impowered to Seal & Execute all manner of Deeds & Instruments in Writing & to Act & Do all Lawfull Act & Acts thing & things necessary for the Assuring & Confirming Such Sale as Shall or may at any time hereafter be made thereof, Which Deeds and Instruments of the Said Dwelling House and Appurtenances thereunto beloning shall be good & Effectuall in the Law to all Intents & purposes whatsoever, Saving to all persons all Lawfull Claims or Interest to the Said Dwelling House, Except the Heirs of the Said Thomas La Roache any thing herein Contained to the Contrary in any wise notwithstanding.

PROVIDED alwaies The Said Susanna Shall have & Receive the Rent Issue's & proffits of the Said Dwelling House untill the Said Daniel & Christopher Shall arive at the Age of Twenty One Years anything herein Contained to the Contrary in any wise notwithstanding.

[CHAPTER 350.]

[Chapter 350, of Livingston & Smith and Van Schaack, where the title only is printed. This act is not in Bradford, 1732 ed. Title only is printed in Baskett, p. 280. Expired, December 1, 1724. See chapter 245.]

An Act Reviving an Act entituled an Act Prohibiting all Persons but John Parmiter and his Assigns to make Lamb-black during the Space of Five Years.

[Passed, December 23, 1717.]

BE it Enacted by the Governour Council & General Assembly, and it is hereby Enacted by the Authority of the Same. That an Act entituled an Act prohibiting all Persons but John Parmiter and his Assigns to make Lamb-black during the Space of five Years made in the Eleventh Year of the reign of Her late Ma'ty Queen Anne of Immortal Memory Expired by its owne Limitation shall be Revived & Continued from the first Day of December One thousand Seven hundred and Seventeen unto the first Day of December which will be in the Year of our Lord One thousand Seven hundred and Twenty four.

[CHAPTER 351.]

[Chapter 351, of Livingston & Smith and Van Schaack, where the title only is printed. This act is not in Bradford, 1732 ed. Title only is printed in Baskett, p. 280.]

An Act for the Further Enabling Thomas Whitehead to Sell & Dispose of Some part of the Lands Devised to him by his Father under the Limitation of a generall Intail.

[Passed, December 23, 1717.]

WHEREAS Thomas Whitehead son of Daniel Whitehead Esqr late of Jamaicca in Queens County Dec'ed hath by his Peti'con sett forth that in an Act of the General Assembly of this Colony made in the Tenth Year of the late Queene Anne Intituled an Act to Enable Thomas Whitehead to Sell & Dispose of some part of the Lands Devised to him by his Father under the Limitation of a General Intail there is a Claus restricting him to Sell & Dispose of four hundred Acres of the Said Lands out of one or at most two Tracts or parcells thereof & the said Lands lying in many parcells the said restriction has wholy prevented him from making the Disposition aforesaid

& thereby the true Intention of the said Act of Generall Assembly is frustrated.

THEREFORE Be it Enacted by his Excellency the Governour Council & General Assembly & by the Authority of the same that it shall & may be Lawfull for him the said Thomas Whitehead to Alien Sell & Dispose in fee Simple or otherwise out of any of the Said tracts or parcells of the said Devised Lands with the appurtenances not Exceeding the Quantity of four hundred Acres any thing in the said Recited Act to the Contrary hereof notwithstanding.

THE SEVENTEENTH ASSEMBLY.

Fifth Session.

(Begun May 27, 1718, 4 George I, Robert Hunter, Governor.)

[CHAPTER 352.]

[Chapter 352, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1732 ed., p. 177; Baskett, p. 283. Revived by chapter 473.]

An Act to prevent small Stallions runing at large & to Geld all Horses under the Size therein mentioned.

[Passed, July 3, 1718.]

WHEREAS a breed of Horses whether for the Saddle or the Draft will be of great benefit to the Inhabitants of this Colony & which cannot be Obtain'd while Stallions of Small Size are Suffered to run at large, in order therefore to prevent the same for the future & to procure a Strong & large breed of Horses. Be it Enacted by the Governour Council & General Assembly of this Colony & it is hereby Enacted by the Authority of the same, that it shall be Lawfull for any Person whatsoever to Geld any Stone Horse runing at large in any Grounds within this Province not inclos'd. being above Three Years old, & not being at the height of Fourteen hands to be measured from the lowest part of the hoofe of the forefoot to the highest part of the wither; & each hand to containe four Inches English Measure, for which Gelding & curing upon Delivering the horse safe and sound to the owner, who is hereby required to receive the same, he shall pay or secure to be paid in Thirty Days unto the Gelder the Sum of Twenty Shillings, for Gelding & curing the said Horse & in Case the Owner shall refuse to pay or Secure the payment of the Sum of Twenty Shillings aforesaid unto the Person Gelding and Curing the said Horse that then & inn Such Case the Gelder shall take the said Horse to himself & put his owne Brand upon him, & use sell and Dispose of the Same as his Owne propper Goods & Chat-

tles & in Case the Owner sue for the said Horse or Damages for Gelding the Same, the Gelder shall plead the General Issue & give this Act in Evidence & treble costs shall be allowed to the said Gelder.

AND for preventing any Abuses that may be Committed Under Colour of takeing up and Gelding of Horses in Manner aforeSaid Be it further Enacted by the Authority aforeSaid that all and every person or persons that Shall take up any Stone Horse or Horses Running at Large as aforeSaid Under ye Size and Above ye Age before Mentioned Shall before he presume to Cutt or Geld ye Same Carry Such Horse or Horses to the Next Justice of the peace of that County wherein Such Horse or Horses Shall be taken up and Such Horse or Horses Shall be then and there Measured in Manner aforeSaid in the presence of such Justice of the peace and if Said Justice Shall Approve and Allow of Such horse or Horses to be above ye Age and Under the Size before mentioned that then Such Horse or Horses Shall and may be Gelt by Such Person or persons so taking up the Same in Manner aforesaid and if any person or persons (Except ye Rightfull Owner or Owners) Shall presume to Geld any Stone Horse or Horses not ffirst having the Approbation and Allowance of Such Justice of ye Peace as aforesaid or Shall Geld any Horse or Horses above ye Size before mentioned Every Such person or persons Shall Suffer Imprisonment by the Space of One Month without Bayle or Mainprize, and fforfeit to ye Owner or Owners Treble the Vallue of Such Horse or Horses to be Appraised by three Indifferent persons of the Neighbourhood and to be Recovered by Action of Debt by Bill plaint or Information in any Court of Record within this province Wherein No Essoigne protection or Wager in Law or any More than One Imparlance Shall be Allowed. THIS ACT to Commence the ffifteenth Day of April next Ensueing and to be in fforce untill ye ffifteenth Day of Aprill in the Yeare of our Lord One thousand Seaven Hundred and Twenty Six.

[CHAPTER 353.]

[Chapter 353, of Livingston & Smith and Van Schaack, where the act is printed in full. Printed in full in Bradford, 1732 ed., p. 178; Baskett, p. 284.]

An Act for an Allowance to the Representative of the Township of Schenactadie in the County of Albany.

[Passed, July 3, 1718.]

BE it Enacted by the Governour, Council and General Assembly & by the Authority of the same, That the Representative of the

Township of Schenactadie shall be allowed for his Service and attendance in the General Assembly of this Province, Ten Shillings per Day, to Commence from the Fifteenth Day of May last, in the Year of our Lord, One thousand Seven hundred and Eighteen, and at no time to exceed eight Days for his comeing and Eight Days for his returning.

AND be it further Enacted by the Authority aforesaid, that his Wages & Allowance shall be levied, Assessed, raised, and paid, in such manner and form as is directed by an Act of the Second Year of Queene Anne, entituled, an Act for the better Explaining and more Effectual putting in Execution, an Act of General Assembly, made in the third Year of the late King William and Queen Mary, entituled, an Act for defraying the Publick and necessary Charge thro' out this Province, and for maintaining the Poor and preventing Vagabonds.

[CHAPTER 354.]

[Chapter 354, of Livingston & Smith and Van Schaack, where the act is printed in full. Printed in full in Bradford, 1732 ed., p. 175; Baskett, p. 284.]

An Act for granting to the Freeholders & Inhabitants of the Precincts of Catskill & Coxhackey in ye County of Albany the privilege of Choosing Yearly a Supervisor.

[Passed, July 3, 1718.]

BE it Enacted by the Governour Council & General Assembly and by the Authority of the Same That it shall & may be Lawfull for the Inhabitants of the Precinct of Catskill & Coxhackey and all of the Inhabitants dwelling to the Southward of Renslaerwick on the Westside of Hutchens River as far as the County of Albany Extends to Elect & Choose one Supervisor & that the Justice of the Peace for the Precinct aforesaid, shall & is hereby required to Issue his Warrant to the Constable of the said Precinct to give Warning to the Freeholders and Inhabitants in the said Precinct thereof to Assemble and meet at Such Convenient place as the Justice shall appoint, on the third Tuesday of August next, there to make Choice of and Elect one Supervisor, who shall Serve till the first Tuesday in April, then next following, and afterwards the Supervisor for the said Precinct to be Elected & Chosen Yearly and every Year in the Same Manner and forme as the other Supervisors are Elected & Chosen in the said County of Albany & Shall have the same power, Authority, Office and Function & doe performe Execute & Serve in Conjunction with

the rest of the Supervisors in the County aforesaid when Occasion shall require & be liable to the Same Pains & Penalties as the Supervisors of the Several & respective Counties within this Colony have, ought, or are Intended to have, do performe & be liable to, by one Certaine Act of General Assembly passed in the Year of our Lord, one thousand seven hundred and three entituled an Act for the better Explaining & more Effectual putting in Execution an Act made in the third Year of the late King William & Queen Mary of Glorious Memory entituled an Act for defraying the Publick and necessary Charge thro'out this Province and for maintaining the Poor and Preventing Vagabonds, Any thing to the Contrary hereof in any wise notwithstanding.

[CHAPTER 355.]

[Chapter 355, of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Bradford, 1732 ed., p. 178. Printed in full in Baskett, p. 285. See chapter 274. Expired, July 3, 1722.]

An Act for reviving & continuing an Act of General Assembly entituled an Act for Lycencing Hawkers & Pedlars within this Province.

[Passed, July 3, 1718.]

WHEREAS the Act entituled an Act for Lycencing Hawkers & Pedlars within this Province is expired by its owne Limittation & the same having by Experience, been found to be very beneficial. BE it therefore enacted by the Governour Council & General Assembly and by the Authority of the Same, That the said Act & every Article, Clause & thing therein Contain'd, by & is hereby, reviv'd & continu'd to remaine in force, for & during the terme of Four Years, Excepting & reserving from the Penalties of the Act aforesaid, Jeremiah Smith of Queens County, who is hereby Lysenced to Trade as a Petty Chapman within Queens County only, any thing in the before recited Act to the Contrary notwithstanding.

[CHAPTER 356.]

[Chapter 356, of Livingston & Smith and Van Schaack, where the title only is printed. This act is not in Bradford, 1732 ed. Title only is printed in Baskett, p. 285.]

An Act for Naturalizing Nicolas Caron Abraham DeCasserez Tobias Boel Henricus Boel Jacob Pit Jan Pit and Samuel Richards.

[Passed, July 3, 1718.]

WHEREAS Nicolas Caron, Abraham de Casserez, Tobias Boel, Henricus Boel, Jacob Pit, Jan Pit and Samuel Ruchards have by Peti'con to the general Assembly of the Province of New York,

desired that they might be Naturalized & become his Ma'ties Subjects. Be it Enacted by his Excellency the Governour Council and General Assembly and by the Authority of the same, That the said Nicolas Caron, Abraham de Casserez, Tobias Boel, Henricus Boel, Jacob Pit, Jan Pit and Samuel Richards are hereby declared to be Naturalized, to all Intents, Constructions and purposes whatsoever, and from henceforth are, & at all times hereafter shal be, entituled, to have and enjoy all the Rights, Liberties, Priviledges & advantages which his Ma'ties Natural Borne Subjects in this Colony have & enjoy, or of right ought to have and Enjoy, as fully to all Intents Constructions and purposes whatsoever, as if the said Nicolas Caron, Abraham de Casserez, Tobias Boel, Henricus Boel, Jacob Pit, Jan Pit and Samuel Richards, had been born within this his Ma'ties Province of New York. PROVIDED alwaies and it is hereby Enacted, That the said Nicholas Caron, Abraham de Casserez, Tobias Boel, Henricus Boel, Jacob Pit, Jan Pit and Samuel Richards shall take the Oaths appointed by Law in Stead of the Oaths of Allegiance and Supremacy, Subscribe the Test, and make repeat and Swear to, and Subscribe the abjuration Oath, in any of his Ma'ties Courts of Record within this Colony, which said Courts are hereby Required, upon application to them made to administer the same & take Subscribions, and Cause the Names of the Person and Persons so Swearing and Subscribing to be entered upon Record in the said Court, for which every one of the said Persons, is hereby required to pay the Sum of Six Shillings, Current money of New York to the Judge of the said Courts respectively, and three Shillings to the Clerk.

And be it further Enacted by the authority aforesaid, That if all or any of the said Persons having so Sworne & subscribed as aforesaid shall Demand a Certificate or Certificates of his being entered upon Record in manner aforesaid, the said Court or Courts are hereby Directed and required to grant the same, under the hand of the Judge & Seal of the said Court in which the said Nicolas Caron, Abraham de Casserez, Tobias Boel, Henricus Boel, Jacob Pit, Jan Pit and Samuel Richards or any of them, shall so Swear and Subscribe as aforesaid, Counter Signed by the Clerk of the said Court, for which Certificate the Person requiring the same shall pay over & above the Nine Shillings before mentioned, the sum of Six Shillings, one half to the Judge of the said Court or Courts, & the other half to the Clerk thereof, which said Certificate or Certificates, shall at all times be a Sufficient proof of the Person or Persons being Naturalized by this Act, as if the Record aforesaid were Actually produced by the said Nicolas Caron, Abraham Casserez, Tobias Boel, Henricus Boel, Jacob Pit, Jan Pit and Samuel Richards or any of them.

[CHAPTER 357.]

[Chapter 357, of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Bradford, 1732 ed., p. 178. Printed in full in Baskett, p. 286. See chapter 334. Continued by chapter 385.]

An Act for the reviving an Act of General Assembly entituled an Act for the better Setling the Militia of this Province & making it more Usefull for the Secureity & Defence thereof.

[Passed, July 3, 1718.]

BE it Enacted by the Governour Council and Assembly, and it is hereby Enacted by the Authority of the Same, That one Act of General Assembly entituled an Act for the Setling the Militia of this Province and makeing it more Usefull for the Security and Defence thereof made in the first Year of Her late Ma'tys reign, expired by its own Limittation, Shall & is hereby Enacted by the Authority aforesaid, to be of force from the Publication hereof, for and untill the first day of November, which Shall be in the year of our Lord, One thousand seven hundred & Twenty, and no Longer.

[CHAPTER 358.]

[Chapter 358, of Livingston & Smith and Van Schaack, where the title only is printed. This act is not in Bradford, 1732 ed. Printed in full in Baskett, p. 286. Expired, July 3, 1723.]

An Act for Establishing Pilotage.

[Passed, July 3, 1718.]

WHEREAS his Excellency by the Advice of his Ma'tys Council hath granted a Warrant to Jacob Mauritz and William Kirten Severally and Jointly to be Pilots for the Port of New York to take under their care his Ma'tys Ships of War and all other Ships and Vessels requiring a Pilot that shall come into, and goe out of the said Port, at such rates & allowances as are particularly Expressed in the said Warrant, They the said Jacob Mauritz and William Kirten having entred into Bond with Sufficient Sureties to keep an able Pilot

residing at or near Sandy Point, provided with a Sufficient Boat, Tackle, and Furniture to be at all times ready to goe on Board & Pilot any Ship or Vessel into the harbour of the Province of New York. To the Intent no unskilfull Person or Persons for Gain, may presume to Pilot Ships and Vessels coming into, and goeing out of the said Port, and to prevent the Loss of any Ship or Vessel bound to and from the said Port.

BE it Enacted by his Excellency the Governour Council and General Assembly and it is hereby Enacted by the Authority of the Same, That any Person or Persons whatsoever that are not Authorized by the Governour of this Province for the time being, or that shall not be Deputed by such Person or Persons so authorized as aforesaid, that shall take upon him or them to Pilot any Ship or Vessel coming into or goeing out of the said Port, shall forfeit and pay the Sum of Three pounds Current money to be recovered before any Justice of Peace in this Colony by any Person that will sue and prosecute for the same, the one half to the Use of his Ma'ty his Heirs and Successors, to be paid to the Treasurer of this Colony for the time being to be apply'd towards the Support of this Government and the other half to the Person Informing and prosecuting the same as aforesaid in which the Oath of the said Informer, or any other Person, shall be Sufficient evidence, To be Levied upon his or their Goods and Chattles, by Warrant from the Justice of Peace before whom Such Information shall be brought, Directed to the High Sherriff of the City or County, or Constable of the Town, Ward or Precinct, in which the said Justice shall Inhabit, who is hereby Authorized & Required to put the Same in Execution: The said Goods & Chattles to be expos'd to Sale to the Highest Bidder the forfeiture & reasonable CHARGES first Deducted the Overplus if any be, shall be returned to the Owner from whom the said Goods and Chattles were taken.

PROVIDED always that it shall and may be Lawfull for any Person or Persons to take under his Care & Charges to pilot into or out of the said Port any Ship or Vessel as often & when some able and Sufficient Persons appointed as aforesaid for that purpose, Shall not be ready at Sandy Point aforesaid, and at the said Port of New York, to take on them the Charge of Piloting Such Ship or Vessel so requiring a Pilot, from time to time as Occasion shall happen. This Act to Continue for five Years & no longer.

[CHAPTER 359.]

[Chapter 359, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1732 ed., p. 176; Baskett, p. 287. Revived by chapter 472.]

An Act for encouraging the returning of Nett Cattle & Sheep to their Owners.

[Passed, July 3, 1718.

WHEREAS Cattle & Sheep often stray from their Owners who not knowing where to find them, Seldome See or recover them. Be it therefore Enacted by his Excellency the Governour, Council & General Assembly & it is hereby Enacted by the Authority of the same, That any Persons or Persons finding, keeping or receiving any Nett-Cattle or Sheep in any of his Lands within Fence from and after the first day of December to the first Day of May in every Year that shall not be his Owne & shall not give an Account of their or every of their Natural & Artificial Marks & Colours to the Clerk of the Town or the next Justice of the Peace to or in the Precinct where such Person or Persons Shall Inhabit, that shall from time to time have any Stray'd Nett Cattle or Sheep in his or their Possession, within one month after such stray as aforesaid, Shall come to his or their knowledge, Shall pay to the Owner of Such Strays as aforesaid, Twenty Shillings Current money of the Province of New York for every Nett Cattle & three Shillings Current money aforesaid for every Sheep, so detained or Conceal'd to be recovered before any Justice of the Peace by any Person that will sue & prosecute for the same, in which Case the Oath of the Informer or any other Person shall be Sufficient Evidence to be Levied on his or their Goods & Chattles by Warrant from the Justice of the Peace before whom such Information Shall be brought, directed to the High Sheriff of the County or Constable of the Town or precinct in which the Said Offendor shall Inhabit, who is hereby Authorized & required to put the Same in Execution; the said Goods & Chattles to be publickly exposed to sale to the highest bidder, the Forfeiture and reasonable Charges being Deducted, the Overplus if any be, shall be returned to the Owner from whome the said Goods & Chattles were taken. AND Bee it further Enacted by the Authority aforesaid That if after such Account given of the marks & Colours of such Nett Cattle and Sheep as afore-

said To the Clerk of the Town or the next Justice of the Peace as aforesaid the Owner or Owners of such Nett Cattle or Sheep shall not take Care of the same Every such Owner or Owners shall pay to such person or persons who shall keep or maintaine such Cattle or Sheep a reasonable Recompence for soe doeing from the time of such Notice To be Adjudged by any Justice of the Peace in the said county.

And be it further Enacted by the Authority aforesaid, That the Owner of Such Strays as aforesaid, Shall pay to the Clerk of the Town who shall receive the Marks of any Stray, Nine pence for every Nett Cattle & four pence half penny for every Sheep. This Act to Continue in fforce for and during the Terme of ffive Yeares from the Publication hereof & noe longer.

[CHAPTER 360.]

[Chapter 360, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1732 ed., p. 174. Baskett, p. 288. See chapter 328. Further provided for by chapter 660.]

An Act repealing that part of an Act entituled an Act for restraining the taking of Extravagant & Excesive Usury, whereby Interest was Reduced to Six per Cent per Annum.

[Passed, July 3, 1718.]

WHEREAS by an Act of the General Assembly of this province entituled an act for the restraining the takeing of Extravagant and Excessive Usury it was amongst other things Enacted that no person Whatsoever should after the publication of the said act take Directly or indirectly any greater use or interest than Six pounds Current money of this Province for the forbearance of one hundred pounds for a year, And so after that rate for a greater or Lesser Sum or for a Longer or shorter time for the Loan of any moneys wares Merchandize or any Commodities whatsoever, And the said act not having obtained the Ends thereby Designed

BE IT THEREFORE ENACTED by his Excellency the Governour Councill and General Assembly & it is hereby Enacted by the authority of the same That the before recited clause in the said act be and is hereby repealed.

AND Be it further Enacted by the authority aforesaid That no person whatsoever shall after the publication of this act take Directly or indirectly any Greater use or interest than Eight pounds current money of this province for the forbearance of one hundred pounds for a year and so after that rate for a Greater or Lesser Sum or for a Longer or shorter time for the Loan of any money wares Merchandise or any Commoditys whatsoever Under the pains penalties forfeitures and Restrictions in the afore cited act Contained.

THE SEVENTEENTH ASSEMBLY.

Sixth Session.

(Begun Sept. 24, 1718, 5 George I, Robert Hunter, Governor.)

[CHAPTER 361.]

[Chapter 361, of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Baskett, p. 178, as having been passed in 1719. Title only is printed in Baskett, p. 291.]

An Act to enable the Treasurer of this Colony to remit Ambrose Phillips Esq'r the Sum of One hundred Eighty Seven Ounces & one half of Plate for the Service of this Colony.

[Passed October 16, 1718.]

BE it Enacted by the Governour Council & General Assembly & it is hereby Enacted by the Authority of the same, That the Treasurer of this Colony, Do by the first Conveniency Remit to Ambrose Phillips Esq'r the Agent of this Colony the Sum of One hundred and Eighty Seven Ounces & a half of Plate for the Service of this Colony, out of the money left in his hands, by vertue of one Act of General Assembly of this Province, entituled, an Act for paying & Discharging Several Debts due from this Colony to the Persons therein named and for raising and putting into the hands of the Treasurer of this Colony Several quantities of Plate to be apply'd to the Publick & necessary Uses of this Colony and to make Bills of Credit to the value of Forty One thousand five hundred and Seventeen Ounces & a half of Plate for that purpose.

[CHAPTER 362.]

[Chapter 362, of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Bradford, 1732, ed., p. 178, as having been passed in 1719. Title only is printed in Baskett, p. 289. The act was repealed by the King, except so far as the act revives ch. 310. (For copy of veto, see Doc. Rel. to Col. Hist., V., p. 529.)]

An Act for reviving an Act of General Assembly Entituled an Act for the easier Partition of Lands in Joint Tennency or in Common and making the same more Usefull and effectual for the purposes therein mentioned.

[Passed, October 16, 1718.]

BE it Enacted by the Governour Council and General Assembly and it is hereby Enacted by the Authority of the same that one Act of General Assembly, entituled an Act for the easier partition of Lands in Joint Tennency or in Comon passed in the Seventh Year of the Reign of her late Majesty Queen Anne now Expired by its owne Limittation shall be and is hereby Enacted by the Authority aforesaid to be Revived & be in full force and to continue & be in full force for and untill the first day of November One Thousand Seven hundred and Twenty one.

And for the better Setling Laying out and Improveing any Lands Tennements or Hereditam'ts held in Joint Tennency or in Comon. Be it further Enacted, & it is hereby further Enacted by the Authority aforesaid, That from & after the Publication hereof it shall & may be Lawfull to and for the Major part of any Number of Patentees or Assignees of full shares of Patentees, who hold any Lands, Tennements or Hereditaments in Joint Tennency or in Comon by themselves their Guardians Agents or Attorneys thereunto Sufficiently Authorized, to enter into and make and Execute any Agreements in Writing under their Hands and Seals, for the Dividing & laying out any part or proportion of their Land so held as aforesaid & Equally and Impartially with respect to the Goodness of the Land, to Assign to each Person or Persons their Heirs and Assigns in whom the Right, Title and Interest of the said Lands are vested any part Share or proportion, not Exceeding two full third parts of his & their Just proportion & Share of the whole Tract or Tracts of Land according to his or her or their Right and Interest therein Respectively. To hold the same Share & proportion so laid out as aforesaid to them their Heirs & Assigns for ever Respectively and all such Divisions Laying out & Assignments as aforesaid shall be Deemed held &

adjudged a Good Partition and Division in Law to all Intents & purposes as if the same had been Divided and Laid out by Virtue of any Writ of Partition in due Form of Law prosecuted, any thing to the Contrary thereof in any wise notwithstanding, which Parts, shares or Proportions of Lands so to be laid out or Divided, as aforesaid shall be drawn by Lott in the presence of Two or three Indifferent Persons to be Nominated by the Majority of the said Petentees or Assignees of full shares of Patentees.

This Act to remain in Force during the Terme abovesaid.

[CHAPTER 363.]

[Chapter 363, of Livingston & Smith and Van Schaack, where the title only is printed. This act is not in Bradford, 1732 ed. Title only is printed in Baskett, p. 291.]

An Act for Paying the Quantity of Fifty three Ounces & one half of Plate unto Johannes Van Zant, & the quantity of Twelve Ounces & one half of Plate unto Willempie Uytden Bogart Widdow.

[Passed, October 16, 1718.]

WHEREAS it did appear to the General Assembly of this Colony, that there was due unto Johannes Van Zant the quantity of Fifty three Ounces & one half of Plate, & unto Willempie Uytden Bogart Widdow, the quantity of Twelve Ounces & one half of Plate, but by the neglect of the Transcriber of the Act entituled an Act for paying & Discharging several Debts due from this Colony to the Persons therein named, & for raising & putting into the hands of the Treasurer of this Colony, Several quantities of Plate, to be apply'd to the Publick & necessary Uses of this Colony; & to make Bills of Credit to the value of Forty one Thousand five hundred & Seventeen Ounces & one half of Plate, for that purpose, made in the fourth Year of his Ma'tys Reign, the names of the said Johannes Van Zandt, Willempie Uytden Bogart were not incerted in the said Act. Be it therefore Enacted by the Governour, Council & General Assembly, & it is hereby Enacted by the Authority of the same, That the Treasurer of this Colony for the time being, doe pay out of the money Lodged in his hands by virtue of the Act aforesaid the quantity of Fifty three ounces & one half of Plate, or the value thereof in Bills of Credit made Current by the said Act, unto Johannes Van Zant his Executors or Assigns, & the quantity of Twelve ounces & one half of Plate, or the value thereof in Bills of Credit made Current by the said Act, unto Willempie Uytden Bogart her Executors or Assigns any thing in the said Act to the Contrary notwithstanding.

[CHAPTER 364.]

[Chapter 364, of Livingston & Smith and Van Schaack, where the title only is printed. This act is not in Bradford, 1732 ed. Printed in full in Baskett, p. 291.]

An Act for Setling the Boundaries between the Lands Granted by Patent unto Cornelius Coel Adrian Gerritse Matthias Ten Eyck, Jacobus DuBois, Johannes Schipmoes, Roelof Swartwout Cornelius Lammerse, Peter Pieterse Lawrence Oosterhout & Jannetse Newkirk scituate lying & being in the County of Ulster comonly called the Town of Hurley & the Lands Granted by Patent unto Coll Henry Beekman, Capt Thomas Garton & Capt Charles Broadhead Trustees for & in the behalf of the Inhabitants of the Town of Marble Town in the County of Ulster aforesaid.

[Passed, October 16, 1718.]

For the final ending & for the preventing all Disputes Strifes Quarrels & contentions which now are or at any time or times hereafter may be had moved Commenced or prosecuted between the said Cornelius Coel, Adrian Gerritse, Matthias Ten Eyck, Jacobus DuBois, Johannes Schipmoes, Roelof Swartwout, Cornelius Lammerse Peter Pieterse Lawrence Oosterhout and Jannetse Newkirk their Heirs & Assigns of the one part and the Trustees of the Towne of Marble Town and their Successors & Assigns of the other part relating and concerning the respective Boundaries of the said Town of Marble Town in the County of Ulster and the Lands granted unto the said Cornelius Coel Adrian Gerriste Matthias Ten Eyck, Jacobus DuBois Johannes Schipmoes Roelof Swartwout Cornelius Lammerse Peter Pieterse Lawrence Oosterhout and Jannetse Newkirk comonly called the Town of Hurley in the County of Ulster which Lines or boundaries in the Patent Granted to the said Coll. Henry Beekman Capt Thomas Garton & Captain Charles Broadhead Trustees for and on the behalf of the Inhabitants of the Town of Marble Town in the County of Ulster and w'ch bears date the Twenty fifth day of June in the Year of our Lord One thousand Seven hundred & three as far as relates to the matter in Question in the Words following (Vizt) all that parcel of Land Lyeing & being in the County of Ulster aforesaid & beginning at the Bounds Established and laid out by the Com-

missioners appointed by Coll Lovelace Gov'r' of our Said Province of New York in the year of our Lord One thousand Six hundred & Sixty Nine between the Town of Marble Town and the Town of Hurley in the Said County of Ulster thence running SouthEast to the North West Bounds of the Paltz, As in and by the said Patent relation being thereunto had may more fully & at large appear & in the Patent Granted to the said Cornelius Coel, Adrian Gerritse Matthias Ten Eyck Jacobus Du Bois Johannes Schipmoes Roelof Swartwout Cornelius Lammerse Peter Pieterse Lawrence Oosterhout & Jannetse Newkirk their Heirs & Assigns comonly called the Patent of the Town of Hurley bearing Date the Nineteenth Day of October in the Year of our Lord One thousand Seven hundred and Eight in the words following vizt A certain Tract of Vacant Land in the County of Ulster begining at the South Corner of the Old house of Schipmoes being the bounds between Kings Town and Hurley due South untill it meets with the bounds of the New Paltz and so along the Said bounds untill it meets with the Northmost bounds of the said New Platz thence on a Streight Line till it meets with the House of John Joosten being nigh the Division Line of Marble Town and Hurley. As in and by the said Patent relation being thereunto had may more fully & at large appear. Now for the Establishing the bounds between the Trustees of Marble Town aforesaid and the aforesaid Cornelius Coel Adrian Gerritse Matthias Ten Eyck Jacobus DuBois Johannes Schipmoes Roelof Swartwout Cornelius Lammerse Peter Pieterse Lawrence Ousterhout and Jannetse Newkirk. Be it Enacted by his Excellency the Gov'r and Council and General Assembly and it is hereby Enacted by the Authority of the Same, That the Boundaries and Division Line between the Said Trustees of Marble Town in the County of Ulster their Successors & Assigns and the Patent granted the Nineteenth Day of October in the Year of our Lord One thousand Seven hundred and Eight unto the said Cornelius Coel Adrian Gerritse Matthias Ten Eyck Jacobus DuBois Johannes Schipmoes, Roelof Swartwout Cornelius Lammerse Peter Pieterse Lawrence Oosterhout and Jannetse Newkirk their Heirs and Assigns shall from henceforth and for ever hereafter be & are hereby from henceforth and forever hereafter Established to be in manner following that is to say, That the said Division Line between the Parties aforesaid shall begin at a Certaine place called the House of Jan Jooste in the County of Ulster aforesaid and now in the possession of Cornelius Elten at the Southermost part thereof and

thence run on a Straight Line to the Northerwest bounds of the new Platz aforesaid any thing in the said Patents or either of them contained to the contrary hereof in any ways notwithstanding Saveing unto all and all manner of Person and Persons Bodys Politick or Corporate their respective rights by Patent or otherwise to the Lands aforesaid and every part thereof any Law Usage or Custome to the Contrary hereof in any wise notwithstanding.

[CHAPTER 365.]

[Chapter 365, of Livingston & Smith and Van Schaack, where the title only is printed. This act is not in Bradford, 1732 ed. Printed in full in Baskett, p. 289. See chapters 292, 324.]

An Act for the Explaining of certain Clauses in one Act of the General Assembly of this Colony entituled an Act for a Supply to be granted to His Ma'tie for the Supporting his Government in the Province of New Yorke and for Striking Bills of Credit for that purpose Passed in the Year Seventeen Hundred & fifteen and for the Explaining certain Clauses in an Act of the General Assembly of this Colony made in the Year Seventeen hundred & Sixteen, entituled an Act to Oblige all Vessels Trading into this Colony (Except such as are therein Excepted) to pay a certain Duty & for the further Explanation & making more Effectual certain Clauses in an Act by which a Duty is laid on all Negroes & other Slaves Imported into this Colony.

[Passed, October 16, 1718.]

WHEREAS by an Act of the General Assembly of this Colony, entituled an Act for a supply to be granted to His Majestie for the Support of his Government in the Province of New York & for striking Bills of Credit for that purpose, it is among other things Enacted, that for every Pipe of Wine Imported into this Colony directly from the place of its Growth production or Manufacture, there

should be paid the Quantity of Seven Ounces & a half of Plate, and for every Pipe of Wine Imported from any other place, than that of its Growth production or Manufacture, the Sum of Fifteen Ounces of Plate and so in proportion for a greater or Lesser Quantity And Whereas this may Seem to Subject Wines Brought directly from the Isle of Britain to the Duty of Fifteen Ounces of Plate for every Pipe of Wine so Imported and So in proportion for a greater or Smaller quantity. In order therefore to take away all Doubts, Controversies and Disputes, that may arise upon the same for the future. Be it Enacted by the Governour Council and General Assembly & it is hereby Enacted by the Authority of the same, that every Pipe of Wine or greater or Smaller Quantity thereof & every Gallon of Rum or Brandy or other Distilled Liquors Imported Legally & directly from the Kingdom of great Britain into this Colony, shall pay no other nor greater Duty than if the said Wine, Rum, Brandy or other Distilled Liquors were Imported into this Province Directly from the place of its Growth, Production or Manufacture, and no greater or other Sum whatsoever any thing in the said Act or any other Act to the Contrary notwithstanding.

AND WHEREAS on & by reason of certain Clauses in one Act of the General Assembly of this Colony, entituled an Act to Oblige all Vessels Trading into this Colony Except such as are therein Excepted to pay a certain Duty, & for the further Explanation & rendring more Effectual certain Clauses in an Act of General Assembly of this Colony, entituled an Act, by which a Duty if laid on Negroes and other Slaves Imported into this Colony there has some Disputes arisen whether shipps wholly own'd by the Inhabitants of this Colony are lyable by the said Act To pay the Duty of Tonnage, to prevent therefore any Dispute or Controversy that may for the future arise on or Concerning the same. Be it Enacted by the Authority aforesaid that ships or other Vessels not built in this Colony tho wholly own'd by the Inhabitants of the same are & shall be liable to pay the said Duty of Tonnage Given & Granted by the said Act, & Ships & other Vessels wholly Owned by the Inhabitants of the Kingdome of great Britain shall be & are hereby excepted from paying the said Duty any thing in the said Act or any other Act, to the contrary hereof notwithstanding, and for the prevention of frauds that may be made Use of to Evade & Elude the Intention of this Act and prevent Ships or other Vessels from paying the Duty Given & Granted by the said Act, Be it Enacted by the Authority aforesaid, that it

shall be Lawfull for the Officer appointed to Collect the said Duty of Tonnage to Examine the Master upon Oath, Mate, Purser or Super Cargoe of any Ship or Vessel in order to discover the true Owners of the said Ship or Vessel and place of their habitation & any Master, Mate Purser or Super cargo refusing to be Examined upon Oath aforesaid, shall forfeit the Sum of Forty pounds Current Money of this Colony to be recovered and apply'd in the same manner as is directed Express'd Intended & prescribed in and by an Act of General Assembly of this Province, made in the Thirteenth Year of her late Majesties Reign entituled an Act For Levying and paying the Several Duties therein mentioned for the Use of this Colony.

And Whereas by a Clause in the Act aforesaid, entituled an Act to Oblige all Vessels Trading into this Colony, Except as are therein Excepted, to pay a certain Duty and for the further Explanation and making more Effectual certain Claims in an Act by which a Duty is Laid on all Negroes and other Slaves Imported into this Colony, there is a Duty of Ten Ounces of Plate appointed to be paid for each Negroe Slave Imported into this Colony directly from Affrica in any Vessel not wholly own'd by the Inhabitants of this Colony, by vertue of which Act Negroes Imported in Vessels Own'd by the Inhabitants of Britain are liable to pay the Said Duty of Ten Ounces of Plate. Be it therefore Enacted by the Authority aforesaid that for every Negroe or other Slave Imported into this Colony directly from Affrica in Vessels wholly owned by the Inhabitants of great Britain, there shall be no other or greater Duty paid than is or shall be paid for each Negroe or other Slave Imported into this Colony in Vessels wholly owned by the Inhabitants of the same, any thing in the said Act or any other Act to the contrary hereof in any wise notwithstanding.

Provided alwaies & it is hereby further Enacted by the Authority aforesaid, that This Act nor any part thereof shall be Construed to Extend to make any Ship or Vessel wholly own'd by the Inhabitants of this Colony, before the first Day of September Seventeen hundred & Sixteen, liable to the Duty of Tonnage, but that every Such Ship or Vessel wholly own'd by the Inhabitants of this Colony, on or before the said first day of September Seventeen hundred and Sixteen, is and Shall be Excepted & Discharged from paying the said Duty any thing in this or any other Act to the contrary hereof in any wise notwithstanding.

THE SEVENTEENTH ASSEMBLY.

Seventh Session.

(Begun April 28, 1719, 5 George I, Robert Hunter, Governor.)

[CHAPTER 366.]

[Chapter 366, of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Bradford, 1732 ed., p. 186. See chapter 393. Repealed by chapter 396.]

An Act for a Supply to be Granted to his Majestie for Supporting his Government in ye province of New York from the first day of July which Shall be in ye year of our Lord One thousand Seven hundred and twenty until the first day of July one thousand seven hundred and twenty one.

[Passed, June 24, 1719.]

FOR the better defraying the publick and necessary Charges and Expences of this his Majesties Government BE IT ENACTED by the Governour Council & General Assembly and it is hereby Enacted by the Authority of the Same, That from and after the first day of July which shall be in the Year of our Lord One thousand Seven hundred and twenty there be Levyed Collected and paid the Several & respective Dutys and Customs hereafter Specifyed which are hereby given and Granted unto his Majestie his heirs and Successors for the Space and terme of one year then next ensuing and ending the first day of July, which Shall be in the year of our Lord one thousand Seven hundred and twenty one Vizt:

For every pipe of Wine that Shall be imported into this Colony directly from the place of its Growth, production or manufacture the Sum of Seven ounces and a half of plate of the Spanish Coyns of Sevil Pillar or Mexico or the Value thereof in Lyon Dollars or half Dollars at thirteen penny Weight and eighteen Grains each Dollar or in Bills of Credit made Currant in this Colony and So in proportion for all greater & Smaller quantitys imported as aforesaid

For every pipe of wine imported from any other place than that of its growth production or manufacture the Sum of fifteen ounces of plate aforesaid and So in proportion for a greater or Smaller quantity.

For every Gallon of Rum, Brandy or other Distilled Liquors Imported directly from the place of its production or manufacture the Sum of fifteen grains of plate afores'd.

For every Gallon of Rum, Brandy or other Distill'd Liquors not directly imported from the place of its production or manufacture or imported in any Vessel which has Traded traffiqued or broke bulk in any other port or place after the Same has been Loaden on board, her and before her Coming into this Colony the Sum of thirty Grains of plate aforesaid (Cases of Evident necessity only Excepted).

For every hundred Weight of Cocoa imported directly from the place of its growth or from any Island part or place of the West indies one ounces of plate aforesaid.

For every hundred weight of Cocoa not directly imported from the place of its growth or from any Island part or place of the West Indies two ounces of plate afores'd.

For all European Goods imported into this Colony from Boston twelve ounces and an half of like plate for every hundred pounds Value prime Cost and so in proportion for a Greater or Smaller quantity

For all European Goods imported into this Colony from any other of his Majesties plantations Eighteen ounces and three quarters of plate aforesaid for every hundred pounds Value prime Cost so imported and so in proportion for a greater or smaller quantity.

For every Negro Imported directly from Africa five ounces of plate aforesaid and no greater or Other Sum whatsoever any former or other Law to the Contrary hereof in any wise notwithstanding

For every Negro or other Slave not imported directly from Africa the Sum of ten ounces of plate aforesaid Negroes or other Slaves belonging to the Navigation of any Ship Sloop or other Vessel and Slaves belonging to the Neighbouring Colonies going to and from one Colony to the other on the Service of their owners Masters or Mistresses and Negro or other Slaves under the age of four years only Excepted

And Whereas debates and Controversies may arise touching and Concerning the age of Negro or other Slaves So imported be it Enacted by the Authority aforesaid that in Such Case the Negro or other Slave Shall be brought before any two of the Aldermen of the City of New York who Shall by inspection finally determine whether the age of the Said Negro or other Slave be under the age of four years or not

For the Tonnage of all Vessels trading into or out of this Colony the Sum of Seven pennyweight and a half of plate aforesaid for each Ton and no greater or other sum whatsoever Coasting Sloops belonging to the Massachusets, Rhode Island Connecticut or New Jersey whilst their Navigation is to and from those parts, Ships

directly from Great Britain, Ships and other Vessels built in this Colony and also Such Ships or other Vessels as were wholly owned by the Inhabitants thereof before the thirteenth day of June One thousand Seven hundred and Sixteen and Such Vessels as have been freed from paying the Duty of Tonnage by act or acts of the General Assembly of this province only Excepted any Law to ye Contrary hereof notwithstanding.

AND BE IT FURTHER ENACTED by the authority aforesaid That for the more effectual Collecting the aforesaid Duties imposed by this Act on the Tonnage of Vessels and on Negroes in manner aforesaid the person or persons appointed or to be appointed for Collecting the Same Shall be invested with all and every the powers and authoritys mentioned and Contained in an Act of the Gen'l Assembly of this Colony pass'd in the thirteenth Year of her late Majesties Reign Entituled an act for Levying and paying the Several Dutys therein mentioned for the use of this Colony And the said respective duties Shall be levyed Collected & paid under the Same pains penalties regulations restrictions Conditions and forfeitures and in like manner and method as is prescribed and directed in and by the s'd Act any Law Custom or usage to the Contrary in any wise Notwithstanding.

AND BE IT FURTHER ENACTED by ye Authority afores'd That for all Bread and flower brought to his Majesties Beam and Weighed there Shall be paid for Weighing the Same unto his Majestie his heirs and Successors the Sum of five grains of plate aforesaid for every hundred weight so Weighed and for every other thing Goods Wares and Merchandizes whatsoever brought to his Majesties Beam and Weighed there shall be paid the Sum of ten grains of plate afores'd for every hundred Weight So weighed & So in proportion for a greater or Smaller quantity.

AND BE IT ENACTED by the authority aforesaid That all Cocoa whether imported or exported be brought to the beam aforesaid and Weighed And that there be paid unto his Majestie his heirs and Successors the Sum of thirty Grains of plate aforesaid for every hundred Weight of Cocoa So weighed and So in proportion for any Greater quantity.

AND BE IT FURTHER ENACTED by the Authority aforesaid That for the better and more regular Collecting and paying the Rates and Duties hereby given and Granted for the weighing the Cocoa before mentioned all and every person and persons who Shall Export from or import into the City of New York any of the Said Cocoa of the Weight or quantity aforesaid without

weighing the same at his Majesties Beam and Answering and paying the Rates and Dutys aforesaid Shall forfeit and pay the Sum of Ten Shillings for every hundred Weight So imported or exported as aforesaid Contrary to the meaning of this act without weighing the Same at his Majesties Beam aforesaid to be recovered before any one of his Majesties Justices of the peace of the said City one half to his Majestie his heirs and Successors and the other half to him who Shall prosecute or Sue for the Same.

AND for the due and orderly Collecting the rates and duties before imposed on Wine Rum Brandy or other Distilled Liquors Cocoa and European Goods not brought directly from Europe & for preventing frauds & Imbezilments of those rates and Duties

BE IT FURTHER ENACTED by the authority aforesaid that the Master Mate or purser of all and every Ship or Ships Vessel or Vessels that Shall come into any Creek port or harbour within this province to trade or Traffique Shall repair and Come to his Majesties Custome house and there make report of all such parcel or parcels of Goods Wares or merchandize as he or they hath or have on Board his or their Ship or Ships Vessel or Vessells and also Declare upon Oath that he or they have not broke bulk Since his or their arrival within this province and before he or they made such report as aforesaid And all and every Merchant and Merchants who have any goods Wares or Merchandize on Board any Such Ships or Vessels as aforesaid Shall at the Said Custome house make a true and distinct Entry of all and every Such parcel or parcels of Goods Wares or Merchandize as he or they hath or have on Board all or any and every such Ship or Ships Vessel or Vessels as aforesaid And if any difference shall arise touching and Concerning the Value of European Goods not brought directly from Europe So Entered the Collector for the time being or his deputy is hereby authorized and required to administer an Oath to all and every Such person or persons making Such Entry as aforesaid That the said Entry is according to the Invoice or Invoices Sent to him or them from the place or places from whence Such goods or merchandizes did come And if the Collector or his Deputy shall not rest Satisfyed therewith the Merchant or Merchants entring such European Goods Shall give proof upon oath of the Value of the Same as near as may be and pay the duties accordingly.

AND BE IT FURTHER ENACTED by the authority aforesaid that if any Master or purser of any Ship or Vessel whatsoever or any merchant factor or other Shall break bulk or Land any goods

Wares or Merchandize whatsoever before he or they make report & entry and pay and Secure to be Paid the duties hereby imposed, All the goods So landed or taken from on Board without or before report and Entry made Shall be forfeited one third part whereof to be to his Majestie his heirs and Successors to be apply'd to the Support of his Majesties Governm't in this Colony, One third part to the Governor of this Colony for the time being and the other third part to the person who shall Sue for the Same by Bill plaint or information in any Court of Record within this province where no Essoyn protection or Wager of Law shall be allowed.

AND BE IT FURTHER ENACTED by the authority aforesaid that all & every person and persons importing into this province any European Goods Cocoa Wine Rum Brandy or other distilled Liquors Shall upon entering the Same pay to his Majestie his heirs and Successors the Duties hereinbefore given & granted thereon or in Case ye Duties Arising by this act upon Such importation Shall amount to above the Sum of four pounds shall well & sufficiently secure the Same to be paid as aforesaid within the Space of three months from ye day of ye Entry thereof And if any person or persons shall refuse or delay to pay or secure to be paid the Said Duties That then and in Such Case it Shall and may be lawfull for the Collector to take and Detain the Said European Goods Cocoa Wine Rum Brandy or other Distilled Liquors for the Space of three months or untill the duty given by this Act is and Shall be paid and Satisfied And if the Duties be not paid within the Said three months that then the Collector Shall and may at the Expiration thereof Expose to Sale the goods Wares and merchandizes so detained returning to the owners the overplus if any be, the duties and Charges of the Sale being first Deducted.

PROVIDED always and it is hereby further Enacted That if the owner or importer of any Cocoa Shall upon the Importation thereof, Enter into Bond to his Majestie with Sufficient Surety in the penalty of Twenty pounds for each Tun, to Export the Same or any part thereof directly to Great Britain within the Space of ffifteen months from the time of its importation That then and in Such Case the owner or importer Shall pay the aforementioned Duty or Dutys for no greater or other quantity than Such as he Shall not as aforesaid enter into Bond to Export in manner beforementioned And in Case Such owner or importer Shall neglect or refuse to Export the Quantity which he or they, shall so

as aforesaid, oblige themselves to Export within the time mentioned in the Bond, That then he or they Shall pay the aforesaid Duties respectively given on the said Cocoa and be Debarre'd from the benefit of any Drawback thereon, tho' he Should at any time after Export it And to prevent any frauds or abuses, the Exporter of any Cocoa Shall at the time of his Entering the Same for Transportation make Oath that the Same is all or such part of Such a parcel or quantity of Cocoa imported into this province at Such a time in Such a Vessel from Such a place Expressing the parcel or quantity of Cocoa imported the time when the Vessels name and from what place, or if the said Exporter shall have bought the Cocoa So by him Entered for Exportation from any other person or persons in this province, then he Shall give prooff by the person or persons from whom he bought the same, or by the person or persons who imported the Same, That the Said Cocoa, So by him Entered for Exportation is all or such part of Such a parcel or quantity of Cocoa imported into this province at Such a time in Such a Vessel from such a place Expressing the quantity imported the time when the Vessels Name and from what place as aforesaid.

AND BE IT FURTHER ENACTED by the authority aforesaid that the Several and Respective Duties hereby laid and given Shall be paid to the Treasurer of this Colony for the time being who is hereby impowered to receive the Same.

AND BE IT FURTHER ENACTED by the authority aforesaid that upon the importation of any European Goods Cocoa Wine Rum Brandy or other Distilled Liquors aforesaid the owner or owners Importer or Importers thereof Shall give to the said Treasurer a Coppy of the Entry of the respective quantitys of the Several goods aforesaid, So by. him Entered with the Collector and pay or Secure to be paid for the Same the Dutys aforesaid And that upon Such payment or Security given the Said Treasurer Shall give to the Importer or owners aforesaid without fee or reward a Certificate Signifying that the Duty for Such and Such Quantities of Goods Wares and Merchandizes as are by him Imported are paid or Secured to be paid upon which Certificate the Collector Shall permit the owner or owners Importer or Importers to Unload and Land the Said Goods Wares and Merchandizes and not otherwise.

AND BE IT FURTHER ENACTED by the authority aforesaid that the aforementioned Duties on Negroes and the Tonnage of Vessels and the Duties given for Weighing at his Majesties Beam

Shall be paid to the said Treasurer by the respective officers appointed or to be appointed to Collect and Receive those Duties when and So often as they Shall be thereunto respectively required by the Said Treasurer whose Receipt shall be a Sufficient discharge for the Same

AND BE IT FURTHER ENACTED BY the Authority aforesaid that the Treasurer of this Colony for the time being shall pay or Cause to be paid all and every sum and Sums of money that shall Come to his hands by Virtue of this Act and not particularly disposed of by this Act to Such person and persons and in Such manner as he shall from time to time be directed by Warrant or Warrants to be pass'd in Council under the hand and Seal of the Governour or Commander in Chief of this Colony for the time being by and with the advice and Consent of the Said Council, which warrants Indorsed by the persons to whom they are made payable shall be a Sufficient Discharge to the said Treasurer which Warrants Shall be Numbered and paid in Course according to their Number. And to the End the Treasurer may at all times know what Warrants are Drawn the Clerk of the Council for the time being is hereby directed and required immediately after the Drawing of any Warrant or Warrants to Signifie to ye Treasurer under his hand, the Name or Names of the person or persons to whom Such Warrant or Warrants are made payable together with the Sums and numbers of the Same.

AND BE IT ENACTED by the Authority aforesaid that the Treasurer of this Colony Shall pay or Cause to be paid in Bills of Credit made Currant in this Colony to all and every the Members of the General assembly of this Colony Ten Shillings per Diem for each day they have Served or shall Serve from the first day of this present Sitting of Assembly to the Expiration of the Same according to a Certificate to be produced to him by every of the said Members Signed by the Speaker of the said Assembly for the time being Expressing the Number of Days that each member has attended the Service of the said General Assembly And the receipt of each of the said members Endorsed on his Certificate Shall be a Sufficient Discharge to the Said Treasurer for So much.

AND BE IT FURTHER ENACTED by the Authority aforesaid that the Certificate for the Speakers Service in the house Shall be Signed by the Majority of the house and the Treasurer is hereby ordered to take notice of it and pay it accordingly And the said Speakers receipt Shall be a Discharge to the Said Treasurer for so much.

AND WHEREAS by an Act of the General assembly of this Colony pass'd in the first year of his present Majesties Reign Entituled an Act for a Supply to be granted to his Majesty for Supporting his Government in the province of New York and for Striking Bills of Credit for that purpose it is amongst other things Enacted that the Treasurer of this Colony shall Yearly retain in his hands the Sum of Three Thousand Ounces of Plate out of the first money Yearly arising by Virtue of Said Act, which Said Sum of three thousand ounces of plate so retained in his hands shall yearly and every year on the first day of July by the Treasurer aforesaid be given in Exchange for Bills of Credit made Current by said act to any person or persons bringing in the Same and that the Said Bills of Credit shall on or before the Expiration of one Month after the Said first day of July Yearly be Sunk and Destroyed in the presence of Robert Walter John Cruger David Provoost Junior and John Read or the Major part of them alive In order therefore that the Treasurer of this Colony may be Enabled to pay the Representatives as above is ordered and Directed.

BE IT ENACTED by the authority aforesaid that the said three Thousand ounces of Plate which by the said Act is Directed to be Sunk on or before the Expiration of one Month after the first day of July One Thousand Seven hundred and Nineteen Shall not be Sunk at that time but that the Said three thousand Ounces of Plate Shall be Sunk and Destroyed in the manner afore in the Said act Directed before the Expiration of one Month after the Month of July which Shall be in the year of our Lord One Thousand Seven hundred and Twenty Any Law to the Contrary hereof Notwithstanding.

AND BE IT FURTHER ENACTED by the authority aforesaid that the Treasurer of this Colony for the time being Shall retain in his hands the Sum of Five pounds for every hundred pounds received and paid by him as a reward for his Service in receiving and paying the Moneys to be received and paid by him by Virtue of this Act and that has been received and payed or that Shall be received and paid by Virtue of an act of the General assembly of this province passed in the Year One Thousand Seven hundred and fifteen and Entituled an Act for a Supply to be Granted to his Majestie for Supporting his Government in the province of New York and for Striking Bills of Credit for that purpose and for the disposition of The Publick Money Lodged in his hands by

Virtue of this or any other act of the General assembly of this province the Said Treasurer shall be accountable to the Governor Council and General assembly of this province or either of them when required thereto Any thing in this or any other Act to the Contrary Notwithstanding.

[CHAPTER 367.]

[Chapter 367, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1732 ed., p. 183. See chapter 214. Revived by chapter 493.]

An Act for Reviving an Act entituled an Act for the Regulating and returning able & Sufficient Jurors in Tryals at Law.

[Passed, June 24, 1719.]

BE it Enacted by his Excellency the Governour Council and General Assembly and by the authority of the Same. That one Act entituled an Act for the Regulating & returning able and Sufficient Jurors in Tryals at Law, made in the Eleventh Year of the Reign of our late Soveraigne King William the third of Glorious Memory, expired by its Lymittation shall be and is hereby Enacted by the authority aforesaid to be Revived and of Force for and untill the first day of July which shall be in the Year of our Lord, One Thousand Seven hundred and Twenty Six.

[CHAPTER 368.]

[Chapter 368, of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Bradford, 1732 ed., p. 186. See chapter 326. Continued by chapter 399.]

An Act reviving an Act entitled an Act for Laying a Duty on Goods Sold by Auction, Vendue or Out-Crv.

[Passed, June 24, 1719.]

Be it Enacted by the Governour Council & General Assembly, & it is hereby Enacted by the Authority of the same, That an Act entituled an Act for Laying a Duty on Goods sold by Auction, Vendue or Out-Cry, made in the third Year of his now Majesties Reign, expired by its Lymittation, shall continue & be in Force until the fourteenth day of May, which shall be in the Year of our Lord, One Thousand Seven hundred and Twenty One.

[CHAPTER 369.]

[Chapter 369, of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Bradford, 1732 ed., p. 185. Expired June 24, 1721, but provided for by chapter 614.]

An Act Laying a Duty on all Empty Casks Imported into this Colony.

[Passed, June 24, 1719.]

WHEREAS the Importation of great quantities of Empty Casks out of the Neighbouring Colonies into the City of New York by Experience is found to be very hurtfull to the Coopers Inhabiting the Said City and will Lay the said Coopers under a necessity of deserting their habitations and Employments, which will be a great Discouragement to the Trade & manufacture & of great Inconveniency to the Inhabitants of the same. Be it therefore Enacted by the Governour Council & General Assembly and it is hereby Enacted by the Authority of the Same, that there Shall be paid by the Importer of the Same for every Empty Caske Imported into this Colony from any of the Neighbouring Colonies Viz for every Tite Hogshead the Sum of one Shilling, for every Tite half barrel, anker, half anker or other Tite Cask nine pence for every flower & bread barrel the sum of one shilling for every flower or bread half Barrel Six pence and the Dockmaster of this City is hereby Impowered and required to Collect and Gather the Said Duty arising by Virtue of this Act, and one half part thereof to the Treasurer of this Colony for the time being to be applyed towards the Support of his Ma'tys Government in this Colony, and take to himself the other moiety thereof, for Collecting the Same.

And be it further Enacted by the Authority aforesaid that in Case any Empty Caske Shall be made appear before any one of the Aldermen of this City, by the Oath of any Credible Witness, to be Landed without first paying and Discharging the duty for each Caske as by this Act is directed & appointed, every Such Cask Landed as aforesaid Shall be adjudged forfeited, the one half to any Person that shall Informe & sue for the Same, and the other to his Ma'ty to be applyed towards the support of This Government.

This Act to Continue in force for the Terme of two Years from the Publication thereof and no Longer.

[CHAPTER 370.]

[Chapter 370, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1732 ed., p. 183. See chapter 155. Revived by chapter 483.]

An Act for Reviving an Act entituled an Act for Regulating Slaves.

[Passed, June 24, 1719.]

BE it Enacted by his Excellency the Governour Council and General Assembly and by the authority of the same, That an Act, entituled, an Act for Regulating Slaves made in the first Year of Queen Anne of blessed Memory, expir'd by its owne Lymittation, shall be and is hereby Enacted by the authority aforesaid, to be revived and of Force, until the first day of July, which shall be in the Year of our Lord, One Thousand Seven hundred and Twenty Six.

[CHAPTER 371.]

[Chapter 371, of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Bradford, 1732 ed., p. 185. See chapter 323. Expired December 25, 1719.]

An Act reviving an Act entituled an Act appointing an Agent for this Colony at the Court of great Britain & for raising of money Annually to defray the Charge thereof in the roome of John Champanty Esq'r Dece'd.

[Passed, June 24, 1719.]

Be it Enacted by his Excellency the Governour, Council and General Assembly and by the Authority of the same. That an Act entituled an Act appointing an Agent for this Colony at the Court of great Britain and for raising of money Annually to defray the Charge thereof in the roome of John Champanty Esq'r Deceas'd, made in the third Year of the Reign of His present Ma'ty expired by its own Lymittation, shall be and is hereby Enacted by the Authority, aforesaid to be Reviv'd, and of Force until the Twenty fifth Day of December which Shall be in the Year of Lord, One Thousand Seven hundred & Nineteen.

[CHAPTER 372.]

[Chapter 372, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1732 ed., p. 185. See chapter 270.]

An Act for repealing an Exception or Provisoe mentioned & expressed in one Act of General Assembly, entituled an Act for the better laying out, regulating, Clearing & preserving publick Comon highways in this Colony and for the Erecting & Building a County Goale & County House in the County of Richmond.

[Passed, June 24, 1719.]

WHEREAS in an Act entituled an Act for the better laying out regulating Clearing and preserving, Publick common highways in this Colony & for the Erecting & building a County Goale & County House in the County of Richmond, passed in third Year of the Reign of the late Queen Anne. It is amongst other things Enacted, That the great Road within the County of Richmond, shall only extend in breadth Four Rod English Measure & no more, the lesser Roads in the said County Shall be of the breadth of three Rods English Measure & no more. Except & always Provided where & when a Road is or shall be directed & laid out thro' any Persons Land who by his Patent is Obliged to allow a greater Breadth for Roads & highways. Several unhappy Differences having arrisen amongst the Inhabitants in the said County occasioned by the said Provisoe concerning the said Lesser Roads, To prevent therefore any further Difference that shall or may arise in or about the lesser Roads in the said County. Be it Enacted by the Governour Council & General Assembly and by the Authority of the same, That the said Exception Provisoe or Clause in the said Act mentioned for the breadth of the lesser Roads in the County shall be & is hereby repealed made null void & of none Effect. And the said Lesser Roads in the County aforesaid shall be of the breadth of three Rodd & no more, any thing in the said Act, or any other Act, contained to the Contrary thereof in any wise notwithstanding.

[CHAPTER 373.]

[Chapter 373, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1732 ed., p. 181. What in this act relates to Westchester county expired June 24, 1724, and as to other counties June 24, 1722. Revived as to Queens county by chapter 442.]

An Act to authorize the Justices of the Peace to Build & Repair Goales & Court Houses in the Several Countys of this Province.

[Passed, June 24, 1719.]

WHEREAS Several Goales & Prisons within this Province for want of due repair, are become prejudicial to the Health of the Prisoners, & Insufficient for the safe Custody of them, and in some of the Countys within this Province there are not Houses or Places Erected at the Publick Charge, for the keeping & holding of Courts and many of those so Erected are Inconvenient for that purpose, which proves a great Obstruction to the Publick Administration of Justice, in order therefore that Convenient, Court Houses may be Erected where they are wanting, & those made Convenient that at present are not so, and that the Goales in the Several Countys of this Province may be made Convenient and Sufficient, for the preservation and safe Custody of such Prisoners, as are or shall be put into them. Be it Enacted by the Governour Council and Assembly and it is hereby Enacted, by the authority of the same, That it shall & may be Lawfull for the Justices of the Peace or the greater Number of them, within the Limits of their Commissions upon presentment of the Grand Jury or Grand Juries at the General Sessions of the Peace or General Goal Delivery, held for the said County (or upon their owne view) of the Insufficiency or Inconveniency of their Goal or Prison or the Inconveniency of their Court House (& in case there be no Court House or Goal in the County for which they are Justices) to Conclude & agree upon such Sum or Sums of mony as upon Examination of Sufficient & able workmen shall be thought necessary for the Building, finishing or repairing a publick Goale or Goales or Court House belonging to the County of which they are Justices of the Peace, which Sum or Sums of money so Concluded & agreed upon shall by the Assessors of the said County be Charged upon the Inhabitants of the same, by even & Equal Portions according to their Several Estates, to be Levied for the Uses aforesaid. And the Justices of the Peace are hereby Authorized & Impowered at the General Sessions of the Peace

held for each respective County to direct their Warrants or Precepts to the Collectors, High Constables, Petty Constables, Bayliffs or other officer or Officers, as they in their Discretions shall think most Convenient for Levying the Same. And be it further Enacted & Declared, that if any Person or Persons shall refuse or neglect to pay his or their Assessment by the space of Fourteen days after Demand thereof by the propper Officer appointed to Collect the same, then it shall & may be Lawful to and for the said Collectors by Warrants from any two of the Justices of the Peace present at the said General Sessions as aforesaid, to Levy the Sum Assessed by distress and sale of the Goods & Chattles of such Persons so refusing or neglecting to pay, & the Goods & Chattles then & there found & the distress so taken, to keep by the space of Six days at the Costs & Charges of the owner thereof & if the said Owner do not pay the Sum or Sums of mony so rated or Assess'd within the Space of the said Six Days, then the said Distress to be sold by the Collector at a Publick Out Cry or Vendue for the payment of the said money & the Overplus of such Sale (if any be) over and above the Sum so Assessed, & Charges of taking & keeping the said Distress to be Immediately returned to the Owner thereof, & the said Justices of the Peace are hereby Authorized and Impowered under their hands and Seals or under the hands of the greater Number of them, to agree with Constitute & appoint one or more Sufficient person or persons to be Receiver of the money so Assessed, the said Receiver or Receivers first Giving Security to be accountable when thereunto required, for all Sums of money received and Disburst by him or them in pursuance of such order as he shall have received under the hands & Seals of the Justices of the Peace or the greater number of them, and if the said Receiver or Receivers, high Constable, Petty Constable or other Officer, shall by the Space of Six days after demand, refuse to account for all Sums of mony Received by them in pursuance of this Act, then it shall & may be Lawfull for the Justices of the Peace or the greater number of them to comit him or them to Prison, there to remaine without Bail or Mainprize, until he or they shall have made a true Account Satisfied or paid, Such Sum or Sums of money as shall appear to remain in his or their hands, & the receipt of such a Receiver shall be a sufficient Discharge to all high Constables, Petty Constables or other Officer or Officers, paying Such Sum or Sums of money as they have Collected by Virtue of this Act, & the Discharge under the hands & Seals of the Justices

of the Peace or the greater Number of them at their General Sessions to Such their Receivers, shal be deemed & allowed as a good & sufficient Release, acquittance or Discharge in any Court of Law or Equity, to all Intents & purposes whatsoever, & the said Justices of the Peace are hereby Authorized & Impowered or the greater Number of them at their Sessions, to Covenant, Contract and agree with any Person or Persons for the well & Sufficient Building, Finishing or Repairing of the said Goale or Goales or Court House in the said County to be Built, Finished or Repaired

And be it further Enacted by the Authority aforesaid, That if any Action, Suit Plaint or Information shall be prosecuted against any Person or Persons for what he or they shall doe in pursuance or in Execution of this Act, Such Person or Persons so sued in any Court whatsoever, shall & may plead the General Issue (not Guilty) & upon any Issue Joined, may give this Act & the Special matter in Evidence, & if the Plaintiff or Prosecutor shall become Nonsuit or forbear further Prosecution or suffer a discontinuance, or if a Verdict pass against him, the Defendants Shall recover double costs, for which they shall have the like remedy, as in any Case where Costs by Law are given to Defendants.

Provided alwaies & it is hereby further Enacted, That this Act nor any part thereof, shall be construed to extend to the Counties of Orange & Richmond within this Province. This Act to continue & be in force in the County of West Chester for & during the term of Five Years from the publication of this Act & no longer, & in the City and County of Albany & the rest of the Counties not Excepted in this Act, for & during the Terme of Three Years from the Publication of this Act & no longer.

[CHAPTER 374.]

[Chapter 374, of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Bradford, 1732 ed., p. 185. Expired June 24, 1724.]

An Act for destroying Wolves in Dutchess County.

[Passed, June 24, 1719.]

WHEREAS the Inhabitants of Dutchess County suffer great Losses in their Stocks of Horses and Neat Cattle by the Increase of Wolves in the said County for preventing which & Incouraging those who shall destroy Wolves in the said County.

BE it Enacted by his Excellency the Governour, Council and General Assembly, and it is hereby Enacted by the Authority of the same, That every Person or Persons Inhabiting in the said County who

shall kill any Wolf & Carry the head thereof to any Justice of the Peace in the said County, Such Justices shall give him or them a Certificate to the Treasurer of the said County, who upon sight thereof shall pay to the said Person the Sum of Ten Shillings Current money of this Colony, & to any Indian so killing any Wolf and bring Such Certificate as aforesaid the Sum of Five Shillings mony aforesaid.

And be it further Enacted by the Authority aforesaid, That for defraying the necessary Charges of Destroying of Wolves, there be Raised, Levied, Collected & paid by the Freeholders Inhabitants Residents & Sojourners of & Inhabiting in the said County, Such Sum or Sums of money as the Justice of the Peace & Supervisors of the said County or the Major part of them for the time being, shall seeme requisite & the necessary Charges for the Same aforesaid in such way & in like manner, and under such pains & Forfeitures & under such Regulations & Directions as all other publick & necessary Charges of the said County are by Law raised, Levied, Collected & paid, any Usage or Custome to the Contrary hereof notwithstanding.

And be it further Enacted by the Authority aforesaid, That this Act shall be & continue in force for five Years from & after the publication hereof and no Longer.

[CHAPTER 375.]

[Chapter 375, of Livingston & Smith and Yan Schaack, where the title only is printed. This act is not printed in Bradford, 1732 ed.]

An Act for Annulling and making void a fraudulent Conveyance of Mary Davenport, made by her while she was sole, by the Name of Mary Miserol, to one James Brown, of Certain Lands Goods and Chattles late belonging to John Miserol her former husband Deceased.

[Passed, June 24, 1719.]

FORASMUCH as Mary Davenport while she was Sole by the Name of Mary Miserol by Sinister Insinuation & practices was prevailed upon and induced to Execute one Deed of Conveyance bearing date the Seaventeenth day of November in the year of our Lord One Thousand Seven hundred and thirteen, of a Certain House, Gristmill and ffarm Commonly called or known by the Name of Turtlebay ffarm Scituate and being in the City and County of New York and of three Slaves vizt. Tom and Joe two Negroe boys, and Betty a

Negroe Girl and also of a Certain piece of Land lying against Juryan Nagels point containing about ten Acres Also one other piece of Meadow Land lying over against the said Juryan Nagels land Containing about two acres more or less Both which two pieces of Land last mentioned are to be Esteemed and taken to belong to Turtlebay ffarm aforesaid, And also one other peice of upland lying in New Bushwick between John prices Land and Francis Titus's Land Containing about forty five acres and a half be the same more or less with all the Cattle Stock Slaves and all other the pieces and parcels of Land possessed by said John Miserol at ye time of his Death, without any real or valuable Consideration, fraudulently to defeat and Deprive the petitioners John Cornelius, Margarita, Deborah and Janetie the Children & heirs of the said John Miserol of their lawfull Right and Title to the Same Lands Tenements Hereditaments Goods and Chattles as well Descending and answering by the due Course of Law, as by the Last Will and Testament of the said John Miserol their ffather Dece'd.

BE IT therefore Enacted by his Excellency the Governour Council and General Assembly and by the Authority of the Same That the said Deed of Conveyance, and every Clause, matter and thing there in Express'd and Contained and all mean Conveyance made by force or Colour of the Same, Are hereby Declared to be fraudulent and as such are hereby Enacted and Declared to be Vicious, Null and Void to all intents and purposes, and the said petitioners John, Cornelius, Margarita, Deborah, and Janetie the Children and heirs of ye said John Miserol dece'd are hereby Enacted and declared to have the Same Claim Right and title Interest & Demand as if the same fraudulent Conveyance had never been made or Executed any thing to ye Contrary hereof in any wise notwithstanding.

PROVIDED That nothing in this Act shall be Construed to Debar the Just Claim of any Creditor any thing herein Contained to the Contrary in any wise notwithstanding.

[CHAPTER 376.]

[Chapter 376, of Livingston & Smith and Van Schaack, where the title only is printed. This act is not printed in Bradford, 1732. ed. Expired June 24, 1721.]

An Act to prevent Rams runing at Large in the Township of Hempstead in Queens County.

[Passed, June 24, 1719.]

WHEREAS the Township of Hempstead having large Plains & Comons, the Inhabitants permit their Rams to run at large, by

reason whereof, the Ewes, Lamb at unseasonable times to the great prejudice of the said Inhabitants. Be it therefore Enacted by his Excellency the Governour Council and General Assembly, and it is hereby Enacted by the Authority of the same. That Ram or Rams runing at large from the first day of June, till the Twenty fourth day of October yearly, on the Plains & Comons belonging to said Township, shall be carried to the Pound of the said Township & there Sold by Publick OutCry to the highest bidder, by the Pound keeper, who detaining one shilling for pounding each Ram & shall pay to the person that delivered such Ram, the one half of the remainder of what the said Lamb shall be sold for, & the other half thereof to the Church Wardens of the said Town for the time being, for the Use of the Poor of the said Town to be paid the said Poor, by direction of one Justice of the Peace & one of the Vestreymen for the time being, Inhabiting in the said Town. This Act to continue for Two Years from the Publication thereof & no longer.

[CHAPTER 377.]

[Chapter 377, of Livingston & Smith and Van Schaack, where the title only is printed. This act is not in Bradford, 1732 ed. Expired June, 1722.]

An Act for Building a Bridge over the Creek or Kill called Kinderhooks Creek or Kill in the County of Albany and for Altering the highway in that part of the s'd County.

[Passed, June 24, 1719.]

WHEREAS the highway that now goes over the Kill or Creek commonly called or known by the name of Kinderhooks Creek or Kill in the County of Albany is found to be inconvenient and unsafe for Travellers by reason of floods and overflowings of water at certain Seasons of the year in order therefore to render the Said Road or highway safe and Convenient for the future

BE IT ENACTED by the Governour Council and General Assembly of this Colony and it is hereby Enacted by the Authority of the Same, That the Justices of the peace Inhabitants of Kinderhook Claverack and the Mannor of Livingston or the greater Number of them are hereby Authorized and impowered to meet at such Convenient time and place as to them Shall Seem most fit to Consult and agree upon what Sum of money not Exceeding Eighty ounces of plate they shall think to be necessary for the Erecting and building a good Strong and Sufficient

Bridge over the Said Kill or Creek of Kinderhook in Such place of the Said Creek as the Justices aforesaid or the greater number of them Shall Judge to be most Convenient for that purpose which Sum of money So agreed on Shall be equally and in due proportion assessed upon the Inhabitants of Kinderhook Claverack and the Mannor of Livingston by the Assessors of the Same and Levyed by their respective Collectors by Warrant from the Said Justices or the Greater Number of them and paid by the said Collectors To a Treasurer to be appointed by the said Justices.

AND BE IT ENACTED by the authority aforesaid that it shall and may be lawfull for the Justices aforesaid or the Greater Number of them and they are hereby impowered to Contract and agree with Workmen and others for the Building and finishing the Said Bridge and for materials for the Building of the Same and to appoint one or more person or person to inspect oversee direct, and from time as they Shall see occasion to order payment to be made for materials for the Same or to the Workmen Employ'd upon the Same, as the money by agreement to be paid to them Shall become due, and the Treasurer aforesaid is hereby directed and required out of the money coming to his hands by Virtue of this Act to pay Such Sum or Sums of money as from time to time Shall be ordered and directed to be paid by orders under the hands of the said Director or Directors appointed by the Justices aforesaid.

AND BE IT ENACTED by the Authority aforesaid, that from henceforth the Kings highway or Road shall go by the house of Cornelius Martense and So Straight through the Woods along by Dirick Meese and So along to the bridge aforesaid hereby Directed to be Built and from the Said Bridge to the Kings old road which goes from Kinderhook to the green Bush over ag't Albany.

AND WHEREAS it is found by Experience that in the County of Albany the Length of the Axle trees of the Waggons Carts and other Carriages are found very much to differ whereby the Kings Roads are Spoiled, The Rutt or Track which one waggon makes being Several inches narrower than that w'ch is made by another and that Such inconveniences may be prevented for the future.

BE IT ENACTED by the Authority aforesaid that in the Space of Ten months after the publication of this Act All Waggons Carts or other Carriages which are used in any of the Kings highways in the County of Albany Shall be so made that the Rutt or Track which they Shall make from outside to out-

side to be four feet and Ten Inches English measure and no more or less upon the penalty of Ten Shillings Currant money of this Colony to be Paid by the owner or driver of the Waggon Cart or Carriage to be Destrained by one Justice of the peace by the Evidence of one or more Sufficient Witness or Witnesses or upon his own view which Sum So forfeited Shall be for the Constable or any other person who Shall Sue for the Same This Act to Continue to the first tuesday in June which Shall be in the Year of our Lord One thousand Seven hundred and twenty two and no longer.

[CHAPTER 378.]

[Chapter 378, of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Bradford, 1732 ed., p. 186. Expired June 24, 1721.]

An Act for raising the Quantity of Sixty Ounces of Plate for the Township of Schenectady in the County of Albany.

[Passed, June 24, 1719.]

BE it Enacted by the Governour Council & General Assembly and it is hereby Enacted by the authority of the same. That it shall & may be Lawfull to and for the Justices of the Peace for the County of Albany dwelling in the Town of Schenectady and Precincts thereof of the Major part of them, to rasie and Levy upon all and every the Freeholders, Inhabitants and Sojourners, Inhabiting & dwelling within the said Town and Precincts thereof, Yearly and Once in every Year, during the continuance of this Act, for the Use of His Ma'ty his Heirs & Successors Thirty Ounces of Plate to be Imployed by the said Justices for and towards the Extraordinary Charges, that shall or may happen on the said Township.

And be it further Enacted by the authority aforesaid, That the said Justices do cause the Assessors of the said Town and Precincts thereof by Warrant under their hands & Seals that Thirty Ounces of Plate part thereof be raised on the first Tueday in December, One Thousand Seven hundred & Nineteen, & Thirty Ounces of Plate in December, One Thousand Seven hundred and Twenty, and to be Collected and paid as by them Shall be Directed at the Same time as the allowance for their Representative shall be raised and this Act to continue for two years from the Publication thereof.

[CHAPTER 379.]

[Chapter 379, of Livingston & Smith and Van Schaack, where the act is printed in full. This act is not in Bradford, 1732 ed.]

An Act to enable the Precincts of Haverstraw in the County of Orange to Elect a Supervisor a Collector, two Assessors, one Constable & two Overseers of Highways.

[Passed, June 24, 1719.]

WHEREAS Several Principal Freeholders and Inhabitants of Haverstraw in the County of Orange in behalf of themselves & others, have by their Petition to the General Assembly, pray'd they may be enabled to Elect one Supervisor, one Collector, two Assessors, one Constable & two Overseers of the highways by reason of their great Distance from Tapan in the said County. Be it therefore Enacted by his Excellency the Governour, Council & General Assembly, & by the authority of the same, That from after the Publication of this Act, That it shall & may be Lawfull for the Inhabitants of the Districts & Precincts of Haverstraw in the County of Orange, from the Northmost bounds of Tapan, to the Northermost bounds of Haverstraw, and they are hereby required and Impowered to Assemble and meet together at the most Convenient place in the said Districts or Precinct on the first Tuesday in April Annually, & there by plurality of Voices to Elect & Chuse among them, one Supervisor, one Collector two Assessors, one Constable & two Overseers of the Highways, & the said officers so Chosen shall be of the Principal Inhabitants and Freeholders within the Districts abovesaid and also be Invested with all the Powers & be Obliged to such Services & Duties as all other such like Officers in the County of Orange aforesaid are Impowered & Obliged to do, & the Assessors & Supervisors so Chosen shall Act in Conjunction with the rest of the like Officers in the said County, when and as often as Occasion shall require, any thing to the Contrary hereof in any wise notwithstanding.

[CHAPTER 380.]

[Chapter 380, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1732 ed., p. 183. Repealed by chapter 652.]

An Act to Elect Supervisors in Dutchess County.

[Passed, June 24, 1719.]

WHEREAS by an Act made in the Twelfth Year of the Reign of the late Queen Anne entituled an Act for Dutchess County to Elect

a Supervisor a Treasurer, Assessors and Collectors, the County since being Increas'd in Inhabitants & Settlements made, now for the more Ease & better defraying the publick Charge of the said County.

BE it therefore Enacted by the Governour Council & General Assembly, & it is hereby Enacted by the authority of the same, that from & after the publication of this Act, the said County shall be divided into three Divisions. The South Division to begin at the South side of the Highlands & Northward to the Wapaingers Creek, the Midle Division to begin at the aforesaid Wapaingers Creek, & so Northward to the Cline sopas Island, & the North Division to begin on the Northside of the Midle Division, and ending on the Northermost bounds & extent of the County, & for the better advantage & more easy adjusting the Accounts of Taxes in the said County & payments of the County Charge.

Be it Enacted by the Authority aforesaid, That the Inhabitants of every respective Division are hereby required and authorized yearly and every Year upon the publick Election, being the first Tuesday in April, to Elect and appoint in every Division a Supervisor for the said County, who shall have the same power, function and authority to raise publick money to defray the necessary Charge of the County and also adjust the Charges of the same, as all other Supervisors of this Colony by Law have, or ought to have.

[CHAPTER 381.]

[Chapter 381, of Livingston & Smith and Van Schaack, where the title only is printed. This act is not in Bradford, 1732 ed.]

An Act for Naturalizing Tedeus Beekman Jan Van Taerlingh and Pieter Vander Lyn.

[Passed, June 24, 1719.]

WHEREAS Tedeus Beekman Jan Van Taerlingh and Pieter Vander Lyn have by their petitions to the General Assembly of the province of New York Desired they may be Naturalized and become his Majesties Good Subjects

BE IT THEREFORE ENACTED by his Excellency ye Governour Council and General Assembly and by the Authority of the same

That the said Tedeus Beekman and Jan Van Taerlingh and Pieter Vander Lyn are hereby Declared to be Naturalized to all intents Constructions and purposes whatsoever And from henceforth are and at all times hereafter shall be Entituled to have and Enjoy all the Rights Libertys privileges and advantages which his Majesties Natural Born Subjects do Enjoy or of right ought to have and enjoy as fully to all intents Constructions and purposes whatsoever as if the Said Tedeus Beekman Jan Van Taerlingh and Pieter Vander-Lyn had been Natural Born Subjects.

PROVIDED ALWAYS and it is hereby Enacted that the Said Tedeus Beekman Jan Van Taerlingh and Pieter VanderLyn shall take the oaths appointed by Law instead of the Oaths of Alegiance and Supremacy Subscribe the Test and make repeat and Swear to and subscribe the Abjuration oath in any of his Majesties Courts of Record within this Colony which Said Courts are hereby required upon application to them made to administer the Same and take Subscriptions and cause the names of the s'd Tedeus Beekman Jan Van Taerlingh and Pieter Vander Lyn so Swearing and Subscribing To be Entered upon Record for which they and each and every of them are hereby required to pay the Sum of Six Shillings Currant Money of the province of New York to the Judge of the Court and three Shillings to the Clerk of the Court in which they or any of them shall So Swear and Subscribe as aforesaid.

AND be it further Enacted by the authority aforesaid that if ye s'd Tedeus Beekman Jan Van Taerlingh and Pieter VanderLyn having so Sworn and Subscribed as aforesaid shall demand a Certificate of their or any of their being Entered upon Record as afores'd the s'd Court is hereby directed and required to Grant the Same under the hand of the Judge, and seal of the said Court in which the said Tedeus Beekman Jan Van Taerlingh and Pieter VanderLyn or any of them Shall So Swear and Subscribe as aforesaid Countersigned by the Clerk of the s'd Court for which Certificate the Said Tedeus Beekman Jan Van Taerlingh and Pieter VanderLyn or any of them requiring the same Shall pay over and above the Nine Shillings beforementioned the Sum of Six Shillings, one half to ye Judge of the s'd Court, and the other half to ye Clerk thereof, w'ch s'd Certificate shall at all times be a Sufficient proof of the person or persons being Naturalized by this Act as if the record aforesaid were actually produced by the s'd Tedeus Beekman Jan Van Taerlingh and Pieter VanderLyn.

[CHAPTER 382.]

[Chapter 382, of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Bradford, 1732 ed., p. 186.

An Act for Settling the Estate of Thomas Lewis Late of the City of New York Deceased.

[Passed, June 24, 1719.]

WHEREAS Thomas Lewis late of the City of New York Deceased in his life time and at the day of his Death was Seized of and in Sundry Lands and Tennants and other Reale Estate within this Province of New York by virtue of Sundry grants thereof to him made and to his Heires and assigns forever by Severall Governors and Commanders in Chief of this Province under the Crown of England and by divers other mean Conveyances in the law and being So Seized he the Said Thomas Lewis on or About the thirteenth Day of September in the Year of our Lord one thousand Six hundred and Eighty four being then of Sound Memory and understanding did make a certain Instrument in writing under his hand before William Bogardus then Notary Publick in the City of New York and Martin Clock and Gerritt Daykinck Inhabitants of the Said City who Subscribed their names as Witnesses thereunto and that in the Dutch Tongue which he Called his last Will and Testament and therein and thereby did make grant and give unto his wife Geesie Lewis all his goods moveable and Immoveable (by which words the Dutch understand a Personall and Reale Estate as houses lands goods and Chattles) Actions and rights as he Should Leave by his decease none Excepted and y't during her Life to Govern and administer and deall therewith as he himSelf being alive might or Could do and after her Decease he Granted the Same to his Children by name Lodwick, Barent, Leonard, Katharine, and Thomas Lewis Junior without any Distinction between the Sons and Daughters and that the Eldest Son Should not pretend any prerogative therein Since which he the Said Thomas Lewis dyed and Geesie his Said Wife proved the Said Instrument or Will and had letters of Probate Granted unto her on the Same on the first Day of Aprill in the Year of our Lord one thousand Six hundred and Eighty Six and being fully persuaded that by virtue thereof She had Good right to Dispose of the Lands and Tenements of her Said husband and that the Same was his intent and meaning at the time he Signed the Said Instrument or Will has Since his Decease Disposed of and Conveyed Sundry parts of the lands and Tenements of the Said Deceased by Deed and Deeds under her hand and Seale to the Purchaser and purchasers thereof their

respective Heirs and Assignes for ever and has Expended the purchase money thereof in paying the Debts of her Said Deceased husband and towards the bringing up of her Said Children And being Lately advised that She the Said Geesie Lewis is not Sufficiently empowered by the Said Instrument or Will to Convey the Estate aforesaid by reason of Sundry imperfections therein Contained and that by the Strict rules of the Lawes of Great Brittain the heir at law of the Said Thomas Lewis Deceased has a right to reclaim the Said lands and Tenements So Sold and Conveyed by her as aforeSaid and the Said purchasers having bona fide paid their money for the Same (which by her the Said Geesie has been laid out in manner aforesaid) and have Since been at Great Charges and Expences in building thereon Severall Messuages houses and Tenements therefore for the quieting the purchasers aforesaid and Every of them in the enjoyment and peaceable Possession of the lands respectively by them purchased of the Said Geesie Lewis and which did belong to the Said Thomas Lewis in his Life time and their heires and assigns forever against the right or Claim of the heir at Law of the Said Thomas Lewis only Bee it Enacted and it is hereby Enacted by his Excellency the Governor and Councill and General assembly and it is hereby Enacted by the Authority of the Same that all and every the Deed or Deeds Conveyance or Conveyances heretofore made by the Said Geesie Lewis Since the Death of her said husband for any part or parcel of the Lands and Tenements of the Said Thomas Lewis Deceased Shall be and hereby are Declared to be Good and Effectuall in the Law to the purchaser or purchasers thereof to have and to hold the respective lands and Tenements unto him or them the Said purchaser or purchasers thereof their heirs and Assigns to the only Sole and proper use benefit and behoof of him or them their respective heires and Assignes forever Against all Title Interest property Claim or Demand of the heires of the Said Thomas Lewis or any of them any Law Usage or Custome to the Contrary thereof in any way notwithstanding And Whereas there are Yett Sundry Lands and Tenements Belonging to the Estate of the Said Thomas Lewis Deceased in the possession of the Said Geesie Lewis which ought after her Decease According to the Intent of the Said Thomas Lewis Deceased in ye aforeSaid Instrument or will Declared to be Divided amongst the Children or their respective heirs and y't Lodawick one of the Sonns of the Said Thomas Lewis Deceased is Since dead without Leaving Issue and that Barent Thomas and

Catharine three other of the Children of the Said Thomas Lewis Deceased are allso Dead Leaving Issue every one of them and that Leonard Lewis is the only Surviving of the Children of the Said Thomas Lewis Deceased and that reasonable provision ought to be made for the Subsistance and Maintenance of the Said Geesie who is now very antient Bee it further Enacted by the Authority aforesaid that all and every and Singular the lands Tenements And hereditaments of the Said Thomas Lewis Deceased now undisposed of by the Said Geesie and now in her possession Shall be and hereby are Declared to be Vested in the Said Geesie Lewis During her naturall Life to have hold and receive the rents Incomes and proffits thereof and of every part thereof to her own proper use and behoof During her naturall Life as aforesaid the Title Interest property Claim and Demand of the heires of the Said Thomas Lewis or any of them or any Law usage or Custome to the contrary hereof in any wise notwithstanding And to the End the Design and Meaning of the Said Thomas Lewis Deceased in making the Said Instrument or Will may be entirely Complied with Bee it further Enacted and it is hereby enacted by the Authority aforesaid that after the Decease of the Said Geesie Lewis all the Lands Tenements and hereditaments and other the Reall Estate of the Said Thomas Lewis Deceased hereby Vested in the Said Geesie Lewis During her naturall Life Shall be Divided and Shared in manner and form following after all lawfull Debts first paid that is to Say one full quarter part thereof the whole to be Divided in to four Equall parts unto the heires of the Said Barent Lewis to the only Sole and proper use benefitt and behoof of them their heires and Assignes forever one other full quarter part thereof the whole be Divided into four Equall parts unto the Said Leonard Lewis his heirs and Assignes to the only Sole and proper use benefit and behoofe of him the said Leonard Lewis his heires and Assignes forever one other full quarter part thereof the whole to be Divided into four Equall parts unto the heires of the Said Thomas Lewis Jun'r. Deceased to the only Sole and proper use benefitt and behoof of them their heires and Assignes for ever and the remaining full quarter part thereof unto the heires of the Said Katharine Lewis Deceased to the only Sole and proper Use benefitt and behoof of them their heires and assignes for ever the Title Interest property claim and Demand of the heires of ye s'd. Thomas Lewis or any of them or any Law usage or Custome to the Contrary hereof in any Ways notwithstanding.

[CHAPTER 383.]

[Chapter 383, of Livingston & Smith and Van Schaack, where the title only is printed. This act is not in Bradford, 1732 ed. Expired June 24, 1720.]

An Act to enable the Justices Inhabiting in the Parish of Rye & the Vestry Men of the said Parish or the Major part of them to raise a Certain Sum of money for the keeping in repair the Parish Church of ye s'd Parish.

[Passed, June 24, 1719.]

WHEREAS the Parish Church in the Parish of Rye in the County of West Chester is very much gone to decay, & if not timely repaired will be Totally ruined in Order therefore to prevent the same, & keep it in good repair for the furtue. Be it Enacted by the Governour Council & General Assembly & it is hereby Enacted by the authority of the same, That it shall & may be Lawful for the Justices of the Peace Inhabiting in the Parish of Rye & the Vestrey Men of the said Parish or the Major part of them to Assess raise & levye upon the said Inhabitants by even & equal portions any Sum not exceeding the Sum of Thirty four pounds Currant money of this Province, which Sum so Assesst by the Justices & Vestreymen aforesaid Shall be Collected & Gathered by the Constables of the Parish aforesaid by Warrant under the hand & Seale of any two of the Justices Inhabiting as aforesaid, & upon neglect or refusal of the payment of all or any of the Sum or Sums of money Assest as aforesaid, it shall be Lawful for the Constables appointed to gather the said Assessment to make distress & Sale of the Goods of any Person so neglecting Or refusing, returning the Overplus to the Owner thereof if any be after the said Assessment and the Charges of Distress is Deducted. This Act to continue for one Year & no longer.

[CHAPTER 384.]

[Chapter 384, of Livingston & Smith and Van Schaack, where the act is printed in full. Printed in full in Bradford, 1732 ed., p. 178. Livingston & Smith and Van Schaack state that this act was confirmed by the King in Council January 23, 1723.]

An Act for runing and Ascertaining the Lines of Partition & Division betwixt this Colony & the Colony of Connecticut.

[Passed, June 25, 1719.]

WHEREAS at a Council held at Fort James (now Fort George) In this Colony of New York on the Twenty third day of November,

One Thousand Six hundred Eighty three, at which Council Colonel Thomas Dongan then Governour of this Province & the Council of the same on the one part, Robert Treat Esq'r then Govern'r of the Colony of Connecticut, Major Nathan Gold, Captain John Allen Secretary & Mr. William Pitkin Commissioners Jointly Empowered by the Government of Connecticut on the other part, did Conclude & agree, Touching & Concerning the runing and Ascertaining the Lines of Partition & Division between this Province & the Colony of Connecticut. Pursuant to which agreement Commissioners & Surveyors were appointed and Commissionated, to wit, John Youngs, John Pell Phillip Wells and Robert Vorklain, on the part & behalf of the Province of New York and Nathaniel Gold, Jonathan Selleck, Daniel Sherman & John Hariman on the part & behalf of the Colony of Connecticut, which Commissioners & Surveyors appointed And Commissionated on the part & behalf of each of the Governments before mentioned Did repair to a certain place lying on the East Side of the Mouth of Byram River & knowne by the name of Lyons point, & by Virtues of the powers & Authorities in them Lodged, did agree determine & Ascertain the said Lines of Partition & Division between the Province of New York and Colony of Connecticut aforesaid, & did begin at Lyons Point on the mouth of the said Byram River & Did Actually Survey, run, Distinguish, Determine & mark out Such part of the said Lines of Partition and Division as Did Ascertain the most Southerly part of this Province bordering on the Colony of Connecticut & part of the most Easterly part of this Province bounding on the Said Colony, & Did also Ascertain Determine & fix a point or place at Eight Miles Distance on a North West Course from the Sound from whence a Line should run Parallel To the Sound So farr Easterly until it brings Hudson's River from thence the Distance of twenty miles together with an addition allowed as an Equivalent in Lieu of a Concession then made on the part of this Province & from thence a Line Parallel to Hudsons River, until it came so farr Northerly as the Line of Partition or Division between the Colony of Connecticut & the Colony of Massachusets, which Line aforesaid to be run Paralell to Hudsons River unto the Line of the Massachusets Colony, was to be the Line of Partition & Division, between this Province & the Colony of Connecticut, all which Said matters And things agreed on, done, Determined & fixt as aforesaid, was by the said Commissioners & Surveyors (appointed & Commissioned as aforesaid) reported & Submitted to the Governments of New York & Connecticut for their

Allowance or Disapprobation of the Same, & the Governours of both the Colonies, towit, Coll. Thomas Dongan Governour of the Province of New York & Robert Treat Esq'r Govern'r of the Colony of Connecticut, Did meet at the Towne of Milford in the said Colony of Connecticut, & there on the Twenty fourth day of February in the Year One Thousand Six hundred Eighty four, both the said Governours Did in the presence of John Palmer John Sprag & John Youngs of the Province of New York & Nathan Gold, William Jones, John Allen, John Nash & William Pitkin of the Colony of Connecticut approve of Ratifie, Confirme & agree to what had been done by the Commissioners & Surveyors aforesaid, & ordered the same to be Entred as of Record in the Publick Registers of the Province of New York & Colony of Connecticut, which was accordingly done, & appears of Record in the Secretaries Office of this Province, all which said matters & things done & agreed on by the Comm'rs aforesaid & rattified & agreed to, by the Govern'rs aforesaid, as well as the Articles of Agreement Betwixt the said Govern'rs was by his Ma'ty King William the third of Glorious & Immortal Memory with the advice of his most honourable Privy Council on the Twenty Eight day of March One Thousand Seven hundred, approved of & Confirmed as by the said Order of Council & his said Ma'ties Letter of the Twenty Nineth day of March to his Governour of New York Entred in the Secretaries Office of this Province may more fully & at large appear.

And Whereas that part of the Lines of Partition & Division betwixt this Province & the Colony of Connecticut which were to run Parralell to Hudsons River as aforesaid were never Actually Survey'd & markt out nor the Places Ascertained & Distinquished through which the said Lynes should pass & the marks of such part of the Lines of Partition or Division as were by the Surveyors aforesaid then run markt out & Distinguish'd are by Length of time worne out, or by the Contrivances & wicked practices of evil Disposed Persons defaced or altogether taken away, so that without runing them anew, the places thro' which Such Lines Did or should run, are not nor can not be discovered & Ascertained, by reason of which Uncertainty Several persons living near to the places, where it is Suppos'd the said Lines have & will run Elude the Laws in force in both Governments by paying Obedience to neither pretending Some times to be within the Province of New York, at other times to Be, within the Colony of Connecticut as it best Serves their purposes to evade paying

their Publick Taxes & doing & performing Such Services as are done & performed by other his Ma'ties Subjects in both the said Colonies of New York & Connecticut and Several Persons Owners of Considerable Tracts of Land & willing to Settle & Improve the Same, are deferred from so doing, least their Settlements & Improvements, should on the discovery of the true places where the Lynes aforesaid should run, prove to be in another Colony, than that under which they had a right to Settle; which has proved a great hinderance to the further Setling & Improving that part of this Province lying near to & adjacent to the Colony of Connecticut and Incouraged Several Persons belonging to the Colony of Connecticut to Incroach upon this Province. In Order therefore to prevent the Confusions & disturbances that will otherwise unavoidably follow, to Encourage the further Settlement & Improvement of this Province & that Such Persons as are already Settled near or adjacent to the Lynes of Partition & Division, betwixt this Province & the Colony of Connecticut, may peaceably and quietly enjoy the fruits of their Labour & Industry according to their Several Rights. Be it Enacted by the Governour, Council & General Assembly & it is hereby Enacted by the Authority of the same, That his Excellency the Governour of this Province or the Govern'r & Comander in Chief of this Province for the time being, Do by Commission under the great Seal of this Province authorize & Empower two or more Such Persons as to the said Govern'r or Commander in Chief, with the Advice of His Ma'tys Council Shall seem most Convenient & fit in Conjunction with the Surveyor General of this Province or his Deputy approv'd of by the Governour or Commander in Chief for the time being with the Advice & Consent of the Council to run, mark out, Distinguish & Ascertain the Lynes of Partition & Division between this Province & the Colony of Connecticut according to the agreements before mentioned, which were approved & allowed of by the late King William & in no other manner than it was agreed & approved of as aforesaid & the said Lynes when run & the Places Distinguish'd, thro' which they shall pass are hereby Declared & Enacted to be the Lynes of Partition & Division betwixt this Colony & the Colony of Connecut, and all Persons whatsoever Bodies Corporate and Politick are hereby required to take notice thereof & Govern themselves accordingly, any Law or Usage to the Contrary hereof notwithstanding.

And whereas it is the design, Intention & Earnest Desire of the Legislature of this Province that the Lynes of Partition & Division

between the Colonies of New York & Connecticut aforesaid be not only run truly & fairly, but Amicably & in Conjunction with Commissioners & Surveyors to be Legally & Sufficiently Impowered by the Government of Connecticut if that Government Shall so think fit. Be it therefore Enacted by the Governour, Council & General Assembly of this Province of New York & it is hereby Enacted, by the authority of the same, That before the Commissioners & Surveyor General (or Deputy approved of as aforesaid) appointed & Commissioned under the great Seal of this Province Enter upon & begin to run & Ascertain the Lynes of Partition & Division aforesaid timely notice (not less than Nine months before such beginning to run) Shall be Sent to the Governour of Connecticut from the Govern'r or Commander in Cheif of this Province by some Credible Person (who shall make oath of the Delivery of the same) of the time when the said Lynes of Partition & Division are appointed to be run & Ascertained, in order that Commissioners & Surveyors may be appointed by the Government of Connecticut if they think fit to Act in Conjunction with the Commissioners & Surveyor General Commissioned by the Governour of this Province as aforesaid to run & Ascertain the said Lynes according to the Agreem'ts made & rattified by Dongan & Treat Governours of New York & Connecticut before mentioned & approved of & Confirm'd by his late Ma'ty King William as Aforesaid, & in case the Government of Connecticut, Shall not think fit to appoint & Legally & Sufficiently Impower & authorize any Persons to Act in Conjunction with the Commissioners appointed by this Province as aforesaid, it Shall then be Lawful for the Persons Commissionated on the part & behalf of this Province to run & Ascertain the said Lynes of Partition & Division between this Province & the Colony of Connecticut & to put in Execution the Several Directions in their said Commission contained, according to the true Intent & meaning of this Act.

PROVIDED alwaies that this Act, nor any part thereof, shal be in force until his Ma'ty his Heires or Successors Shall be Graciously pleased to give the Royal Assent thereto.

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